

THE  
BOYHOOD AND YOUTH  
OF  
JOSEPH HODGES CHOATE



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THE GIFT OF

Mrs. Joseph H. Choate  
Stockbridge, Mass.

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NAUMKEAG,  
STOCKBRIDGE,  
MASS.

Sept. 20th, 1920

Dear Mr. Willever:

In answer to your request in your letter of September 17th, Mrs. Choate desires me to tell you she will be very happy to send you a copy of "Boyhood and Youth", and she has instructed her Secretary in New York to send this volume for your Library loan section.

Hoping you will receive this safely.

Yours sincerely,

Secretary

Mr. E. E. Williver, Librarian  
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THE BOYHOOD AND YOUTH  
OF  
JOSEPH HODGES CHOATE





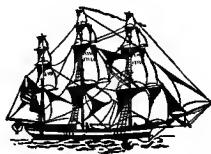




JOSEPH HODGES CHOATE, AT THE AGE OF SEVENTEEN.

The original daguerreotype is in the possession of Mrs. Choate, and is the earliest existing picture of Mr. Choate.

THE  
BOYHOOD AND YOUTH  
OF  
JOSEPH HODGES CHOATE



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1917

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CAROLINE STERLING CHOATE



## PREFATORY NOTE

For many years Mr. Choate's family and friends had begged him to write his reminiscences. He invariably refused to entertain the idea on the ground that, in his opinion, such sketches could be of no value to any one. To the many requests of publishers, editors, and biographers, he likewise—with a characteristic lack of vanity—turned a deaf ear.

In the spring of 1914, however—when he was in his eighty-third year—the convalescence and inaction consequent upon the first severe illness of his life, prompted him to begin the dictation of these papers. They were casually and intermittently composed, with no idea of publication in mind, and only intended for the eyes of his immediate family. On occasions weeks and even months passed by without his giving them a thought.

The papers are here printed literally, just as he dictated them to his secretary. Mr. Choate made no use of notes in preparing them; he consulted no books, and he never even corrected the manuscript. Had he done so, he would undoubtedly have made many verbal alterations—and perhaps excisions—in the text. He began the sketches with slight interest, but, as

they developed, he became more absorbed in the task and looked forward with a good deal of pleasure to going on with it.

After the celebrations incident to his eighty-fifth birthday, he went back to the work with renewed zest and had started on the chapter entitled "Marriage" when there came the break in our diplomatic relations with Germany. From that moment—February 3, 1917—nothing could induce him to continue his task. His mind seemed to harbor but one thought, the thought of the Great Cause and of the part which he longed to have his country play in it.

CAROLINE STERLING CHOATE.

NAUMKEAG, STOCKBRIDGE, MASS.,  
October 16, 1917.

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This silhouette of Mr. Choate's grandfather was made when he was about seventy years of age. He was a very big man, over six feet and a half tall, and weighed over three hundred pounds; although when he was born he is said to have been so small that he was put in a silver tankard and the top shut down!

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THE BOYHOOD AND YOUTH  
OF  
JOSEPH HODGES CHOATE



## I ANCIENT HISTORY

A long confinement to my room and bed, for the first time in more than eighty years, threw me in upon myself for many weary days and nights, and left me nothing to study but the pictures on the walls of my room; but these served as stepping-stones, as it were, in the progress of a long and happy life, and reminded me of the many requests of my children and others that I would put upon paper some of its reminiscences.

I believe it was Doctor Holmes who said that a child's education should begin a hundred years before he was born, and I think mine began at about the period he indicates.

To begin with, there is the portrait of my sturdy maternal grandfather, Gamaliel Hodges—Captain Mill Hodges, as he was always called in Salem, where he was born and lived, and where he died in 1850. It is only a silhouette, but represents a sturdy and fine old figure at seventy, full of life and health, and good for many years to come.

It was he who brought into our line the size and strength and length of days that has stood us so well in hand for three generations at least. It was his twenty-five years before the mast and on the quarter-

deck, full of fresh air and salt water, that gave us our good constitutions; and if I was able to maintain a very strenuous life at the bar for forty years and at the same time to give to public service all the attention that a private citizen should, I owe it more to him than to anybody else.

If he had had a full education he would undoubtedly have been a very prominent character in Massachusetts, but he never went beyond the common schools at Salem, which at that date must have been of an extremely primitive character. He told me that in 1776, at the age of ten, he heard the Declaration of Independence read on Salem Common, and it made a life-long impression upon him; but what showed the limited quantity of his education was that he never went beyond the three R's—Reading, Writing, and Arithmetic—at the school that he attended, and that every day, when the hour came for dismissing school, the boys all rose and recited together, "Honorificabilitudinitatibus," and with the "bus" all started for the door with a shout.

That was the sum of all his schooling; for, like all Salem boys of well-to-do families in those days, he took to the sea at fifteen, which served him as college and university through all the grades, as cabin-boy, seaman, supercargo, second mate, first mate, and captain, and only retired when he had become not only the master but owner of his ship. The largest ships of that day were of six or seven hundred tons, which could easily get into Salem Harbor, and per-

mitted it to be the chief seaport of Massachusetts. And when larger vessels came in, that could not get in there, commerce moved to Boston and New York, with their commodious harbors.

I never knew where this unpronounceable word that gave the sign for the dismissal of this school came from until some years afterwards, when I found it in the mouth of Holofernes, the schoolmaster in “Love’s Labor’s Lost,” who seemed to have made a similar use of it. Now my grandfather, I am sure, had never read Shakespeare, and I doubt whether his teacher had. It must have been a word—if we can call it a word—that came down through tradition in the schools, handed from mouth to mouth, and crossing the Atlantic with the first settlers. And I have no doubt that for centuries before that it had been used in a similar way in the Latin schools of early centuries, for I find that it occurs in manuscripts at least as early as the twelfth century, in the “Catholicon” of Johannes of Janua, 1286, and in Dante’s “De vulgari eloquio,” and in late middle Latin dictionaries. The idea seems to have been that any boy who could spell that could spell any word in any language.

At any rate, Gamaliel Hodges’ stalwart form has served us well ever since. He is said to have been the tallest man in Salem, and at his best, or worst, weighed no less than three hundred and fifty pounds. And his brothers were of like stature, for the story is told that when all three—he and Benjamin and George—were standing together on Derby Wharf, the

master of a foreign vessel coming up the dock, exclaimed: "Is this a land of giants?" He had no nerves whatever, and is believed to have gone through his long life of eighty-five years without any illness until that which finally carried him off.

But the Choates of our line were generally a nervous race, full of vitality and mental action, without the Hodges stamina, dying or failing early, and perhaps lingering into old age in a somewhat weakened condition. It was this blend of two such different stocks by the union of my father and mother that proved such a happy one for their posterity.

There is another portrait of Gamaliel Hodges in my library, representing him as a spruce young American shipmaster, about twenty-five years old, in what appears to have been the sort of uniform for such commanders at that period. It was painted in Antwerp when he was there in command of a ship, and his cocked hat, red waistcoat, ruffled shirt, with a spy-glass under his arm, set him off to advantage. Strange to say, it bears a striking resemblance to one of his great-grandsons, showing how features are sometimes transmitted to distant posterity to one out of many descendants.

There is a story worth noting about this picture. My lifelong friend, Captain John S. Barnes, who was a naval commander in the Civil War, came into my library one day, and as his eyes fastened upon this picture he exclaimed, with uplifted eyes and hands: "Where did you get that picture?"

Well, I told him I had seen it at least seventy years ago in my grandfather's house in Salem, and it came direct to me from there when that house was broken up. "Why," he said, "that cannot be. That is a portrait of John Paul Jones."

It seems that Captain Barnes had purchased in Paris a portrait of John Paul Jones, at a high cost, and which he had treasured very carefully ever since out of admiration for that hero, and he said I must be mistaken about the subject of the portrait. Nothing would satisfy him, however, but to bring his own picture and set it side by side with mine. And then it appeared plainly enough that the only resemblance between the two was in the cocked hat, the red waist-coat, the ruffled shirt, the spy-glass under the arm, and a similar air of the sea in both pictures—a ship and the salt water being in the background.

I have heard that in those days it was the fashion with young American shipmasters, when in foreign ports, to get their portraits painted to bring home to their families, and very likely these two fell into the hands of the same artist. So he kept his portrait, and I mine, both perfectly satisfied with our treasures.

My grandmother, Sarah Williams, who married Gamaliel Hodges in 1788, was a model of the domestic virtues. She had eight children, five sons and three daughters, of whom my mother, Margaret Manning Hodges, born in 1805, was the youngest.

She was of tiny stature, much less than half the size of her husband, which saved her children and

grandchildren from becoming giants by reducing them to reasonable stature. Always serene, placid, and industrious, she lived and thought in the good old style, as if the object of her life was accomplished by taking good care of her husband and children, and she satisfied the old adage that the best women in the world are those of whom the world hears least.

She lived to a good old age, being one year younger than her husband and dying three months before him, at the age of eighty-three. But before the end she got tired of life, and for many years I remember her sitting in the chimney-corner and occasionally exclaiming: "The Lord has forgotten me. The Lord has forgotten me." Her husband, with whom she had lived in happy union for sixty-two years, could not bear to live without her, and followed her to the grave in less than three months.

It is through her that we trace our direct descent from the most distinguished of all our ancestors on either side, Philip English, the first great merchant of Salem and presumably of New England. He introduced into our lineage the only strain of foreign blood that I can find on either side.

He was born in the Island of Jersey and his real name was Phillippe L'Anglais. He was baptized June 30th, 1651, in Trinity Parish, Isle of Jersey, where, on a visit to that island in 1902, I verified the record of his birth. He is said to have been of Huguenot blood, and came to Salem about 1670, where he soon after married Mary Hollingworth, daughter of Wil-

liam Hollingworth by his wife, who is described as “the accomplished and beautiful Eleanor Story.”

As I have traced my grandmother’s descent from him, it was thus:

Philip English’s daughter Mary married Captain William Brown before 1730. Their son, William Brown, married Abigail Archer, widow of John Elkins of Salem. Their daughter, Abigail, married Captain William Williams, an English master mariner, and their daughter, Sarah Williams, born in March, 1767, was my grandmother.

Strangely enough, two generations before, another Gamaliel Hodges, my grandfather’s grandfather, had married another Sarah Williams, through whom we were connected with many interesting Salem families.

Philip English, after his settlement in Salem and marriage with Miss Hollingworth, proved to be its most enterprising and successful citizen. He built and owned twenty-seven vessels and carried on a great commercial trade, acquired large tracts of land, some of them through his wife, and built at the foot of Essex Street, overlooking the harbor across to the Beverly shore and the Marblehead shore, a fine old gabled house of large dimensions for that day, besides fourteen other valuable houses, and seems to have been universally respected and honored.

But “the whirligig of time,” as Shakespeare says, “brings in its revenges,” and when the strange witchcraft delusion broke out in 1692 his eminence and

great success brought upon him and his wife, probably because of envy at their success and high character—they were considered as too aristocratic—the charge of being guilty of witchcraft.

They were both arrested and lodged in Boston jail, from which they managed to escape and took refuge in New York City, which has always been the asylum of the oppressed, where they remained until the delusion had subsided. Otherwise their names would certainly have been included with the other twenty victims of that terrible delusion.

After their return he was for many years an applicant to the General Court of Massachusetts for relief and compensation for the injuries that he had sustained by reason of the wicked charge.

But so rapidly did the delusion die out when the awful bubble had once burst, that on their return, in the following year, they are said to have been welcomed home with bonfires and other marks of rejoicing, and he lived for thirty or forty years longer.

The warrant for the arrest of English is dated at Salem, April 30th, 1692. It is directed to the marshal of the County of Essex and requires him “in their Majesties’ names to apprehend and bring before us Phillip English of Salem, merchant, at the house of Lt. Nathaniell Ingersalls in Salem Village [that is the “Witch House” that is still standing] in order to theire Examination Relateing to high Suspition of Sundry acts of witchcraft donne or Committed by them upon ye Bodys of Mary Walcot Marcy Lewis

THE OLD WITCH HOUSE, SALEM, IN 1839.

As it looked when it fascinated Mr. Choate in boyhood. This house belonged to Lieutenant Nathaniell Ingersalls in 1692; and it was here that the men and women under the terrible suspicion of witchcraft were examined.

THE CHOATE BRIDGE—IPSWICH, MASSACHUSETTS.

Built in 1764 by Colonel John Choate, grandson of the first Choate settler, and brother of J. H. C.'s ancestor. This was the first bridge built on arches in that part of the world, and caused such wonder to the inhabitants that they waited all day when the supports were removed, expecting to see it collapse.







Abigail Williams Ann Putnam and Elizabeth Hubbert and Susannah Sheldon: viz: upon some or all of them belonging to Salem village or farmes whereby great hurt and dammage hath benne donne to ye Bodys of said persons according to complaint of Capt Jonathan Walcot and Serjent Thomas Putnam in behalf of their Majesties for themselves and also for severall of theire neighbours."

On the 2d of May, George Herrick, marshal of Essex, reports Philip English cannot be found, whereupon a new warrant was issued to the marshal-general or his lawful deputy, and restating that he cannot be found, the marshal is authorized to apprehend him and convey him into Salem and deliver him into the custody of the Essex marshal. And the marshal-general's deputy reports that "In obedience to the within written warrant the within remanded Phillip English was arrested and committed by the Marshall General to the Marshall of Essex, on the 30th of May instant." But nevertheless he and his wife did escape.

And this is some of the evidence which is worth relating as showing the horrible character of that delusion:

"The complaint of Susanna Sheldon against Phillip English, the said Susanna Sheldon bieng at meeting on the Sabbath day being the 24 of Aprill shee being afflicted in a very sad manner she saw phillip English step ouer his pew and pinched her and a womane which came from boston wich saith her name is good

ne when shee were coming home against William Shaws house their mether Phillip English and a black man with a hy crowned hatt on his head and a book in his hand houlding the book to her and Phillip english told her that Black man were her God and if shee would tuch that boock he would not pinch her no more nor no body els should.

“on the next day phillip English came again and pinched her and told her that if shee would not touth the book hee would kill her.

“On the second day at night apeared to her two women and a man and brought their books and bid her touct them shee told them shee would not shee did not know wher they liued on of them told her they lived at the village and heald the book to her again and bid her touch it. shee told her shee did not know their names on of them told her shee was old Goodman buck lyes wife and the other woman was her daughter Mary and bid her touch the book, shee told no shee had not told her how long shee had beene a witch, then shee told her shee had beene a witch ten years and then shee opened her brest and the black man gau her two little things like yong cats and she pit them to her brest and suckled them they had no hair on them and had ears like a man.”

The whole New England community appears to have gone mad and to have committed at the instigation of a handful of malicious and foolish girls a terrible massacre of twenty of their fellow citizens, among them some of the most cultivated, pious, and

innocent people in the world. Giles Corey, a man over eighty years old, was pressed to death by order of the court for refusing to plead to the indictment against him. And all this was done at the instigation of the clergy of New England, headed by Cotton Mather, obsessed with the conviction that the Devil was among them laboring in person to corrupt and destroy the State.

Certainly, my ancestor was extremely fortunate to escape with his life. I read that, not finding his person, they seized upon and confiscated 1,500 pounds' worth of his goods, and after many years he recovered judgment against the marshal for 60 pounds and was awarded 200 pounds by the commonwealth for his indemnity, a very sorry satisfaction for all his suffering.

*Choate* seems to have been a very old English name among the better sort of English yeomen. I had the pleasure of meeting Lord Acton, a great historical authority, soon after my arrival in England for a long residence, and he said to me:

“Why, I have seen your name spelled exactly as it is now, in English annals as early as the fourteenth century.”

Foolishly enough, I did not think to ask him for a reference to the book where this could be found, and very soon afterwards he died, and the knowledge of that died with him.

The name, however, did to a slight extent emerge

from obscurity in England early in the seventeenth century, when Thomas Choate, son of Thomas of Essex entered Christ College at Cambridge University in the same year with John Milton, 1624. The records also show that he remained there for four years and took his degree with Milton in 1629, and being in the class for four years, they must often have met, and, at least, have become familiar acquaintances.

In the Biographical Register of Christ's College, issued in 1913, this entry appears:

*"Choate, Thomas: son of Thomas. Of Essex School: Wethersfield, under Mr. Cosen.  
Admitted pensioner under Mr. Gell—  
November 1624 B.A. 1629.*

Probably brother of John Chote or Choate, who went to America and became ancestor of Joseph Hodges Choate, United States Ambassador to England, 1899-1905."

Pensioners at that date represented the sons of well-to-do people like Milton, whose father at that time was a scrivener and stationer in London.

I have not been able to verify this identification of Thomas as the brother of my ancestor John, but there are many things that tend to confirm it, among these that John named his third son Thomas, and in the settlement of his estate, provision was made for the

completion of the education of his youngest son, Benjamin, at Harvard. The family tradition has always been that our immigrant ancestor was the John Choate who was baptized by that name in the old church at Groton, in England, on the 6th of June, 1624. I verified this record in the parish church, the same church in which Adam Winthrop, father of John Winthrop, was buried.

Professor Masson, in his elaborate history of Milton, which is really for the period covered by it a history of England, records that Milton was one of forty-three students who commenced their academic course at Christ's College in the year 1624.

"It will be noted that eight of the students in the above list entered as 'lesser pensioners,' among whom were Milton, Pory and Choate, four as 'sizars,' and but one as a 'greater pensioner.' The distinction was one of rank. All the three grades paid for their board and education, and in this respect were distinct from the 'scholars' properly so called, who belonged to the foundation. But the 'greater pensioners' or 'fellow-commoners' paid most. They were usually the sons of wealthy families; and they had the privilege of dining at the upper table in the common hall along with the Fellows. The 'sizars,' on the other hand, were poorer students; they paid least; and, though receiving the same education as the others, they had a lower rank and inferior accommodation. Intermediate between the greater pensioners and the sizars were the 'lesser pensioners'; and it was to this

class that the bulk of the students in all the Colleges at Cambridge belonged. Milton, as the son of a London scrivener in good circumstances, took his natural place in becoming a ‘lesser pensioner.’ His school-fellow, Robert Pory, who entered the College in the same year and month, and chose the same tutor, entered in the same rank. Milton’s father and Pory’s father must have made up their minds, in sending their sons to Cambridge, to pay about £50 a year each, in the money of that day which was equivalent to about £180 or £200 a year now” (that is, in 1881), and we must conclude that Thomas Choate’s father did the same.

To have been in the same little college with John Milton continuously for four years must have insured to him a liberal education.

I have no doubt of the substantial accuracy of the statement that there was a near relationship between Thomas of Christ’s and our ancestor John Choate, and we may believe that the family at that date was in fairly good circumstances.

John Choate, from whom all the people of the name in America, now found in great numbers in all the States of the Union, are descended, appears to have arrived in Ipswich from the old country in or about the year 1643. The earliest mention of him in the records is in 1648, when he appears in a list of one hundred and sixty-one persons who subscribed to a fund to pay Major Daniel Dennison for giving military instruction. There is a tradition that he came

from Sudbury, in England, which is on the border of Suffolk and Essex, but by what vessel he came or for what reason is wholly unknown.

Like most of the other immigrants of that time, who were in moderate circumstances, he absolutely lost all connection with the relatives whom he had left behind him. There were no mails, no newspapers, no regular communication between the mother country and the colonies. Now and then at rare intervals a vessel from the old country arrived, but it was very easy to lose all association with or knowledge of the relatives and friends they had left behind them.

That he was of good courage and character is manifest from the progress that he made after his arrival in Ipswich. That he went diligently to work and made rapid progress in acquiring property and social connections is clear. In 1660 he married, but as the first records of the church in Ipswich have been lost and the town records at the beginning were very badly kept, there is no register of his marriage and no means of ascertaining the surname of his wife or to what family she belonged. But her Christian name was Ann, by which name she is referred to in his will as "my dear and beloved wife, Ann Choate." That is all that is known of her origin, but it is hoped that her family name will yet be discovered.

He was diligent in his business and acquired a very considerable estate, so that by his will he was able to give substantial farms or tracts of real estate to four of his five sons and a handsome legacy, as things were

at that time, to each of his two daughters. An inventory made of his estate amounted to 405 pounds and 13 shillings, and his will was witnessed by the celebrated minister of Ipswich, John Wise, to whose congregation he belonged, and Andrew Brown.

His eldest son disputed the will because he did not receive by it a double portion, as seems to have been the fashion at that time, and a settlement was made between the widow, representing herself and two minor sons, Joseph and Benjamin, and the other three children. In the agreement by which the estate was settled, provision was made for Benjamin until he "comes to commence Bachelor of Arts, and to help bring up the said Benjamin in and at said College to that time." We know that he was graduated at Harvard in 1703, the earliest of the name in the catalogue, but this provision which was made by the settlement in 1697 must have covered the period of two years at school before he entered Harvard.

John Choate and his third son, Thomas, have one truly valuable title to distinction, and that is that at the height of the witchcraft delusion, when almost everybody else was mad, they had the courage to sign a protest in behalf of John Proctor and his wife who are described\* as "now in trouble and under suspicion of witchcraft," which was in the highest degree significant. The protest was headed by John Wise; and the signatures of John Choate, Sr., and Thomas

\* In "Records of Salem Witchcraft," vol. I, W. Elliot Woodward, Roxbury, Mass., 1864.

Choate appear among the inhabitants of Ipswich who joined in it for the rescue of two of the most conspicuous victims—their neighbor and his wife. Among other things they say: “What God may have left them to, we cannot go into God’s pavilion clothed with clouds of darkness round about; but, as to what we have ever seen or heard of them, upon our consciences we judge them innocent of the crime objected.” As Upham, in his “History of Salem Witchcraft,” has truly said: “It is due to the memory of these signers that their names should be recorded, and their descendants may well be gratified by the testimony thus borne to their courage and justice.”

He had another greater title to distinction in that he was the progenitor of a long and widely scattered family that in each generation has done good service for its country. All of the sons and the two daughters married and had children. The families were large in those days and there is no wonder that in two hundred and forty-five years his seed has been widely disseminated.

His third son, Thomas, from whom we are descended, was evidently more enterprising than either of his brothers, for he married three times; first, in 1690, when he was nineteen years old; second, in 1734, at the age of sixty-three; and third, in 1743, at the age of seventy-two; showing that he was not afraid of incurring the responsibilities of matrimony and paternity. His nine children all married and all had children, none of them less than four and one as many as twelve.

## II

### HOG ISLAND

Thomas Choate, who was born in 1671 and died in 1745 at the age of seventy-four, appears to have been a man of uncommon vigor and enterprise. He was undoubtedly a great farmer and a leading citizen of Ipswich, and their representative in the General Court for four years. He it was who acquired the land on Hog Island where he and his descendants have to this day continually resided.

Life on the island, as everywhere in Ipswich in his time, must have been extremely simple and primitive. The habits and customs of the people cannot have changed much since the earliest settlement of the colony, and the only communication with the outside world appears to have been when the head of the family was sent to represent the town at the meetings of the General Court in Boston.

The old-fashioned New England discipline prevailed. The father was the real head of the family; the mother was the mediator between him and the children, who were entirely subject to his sway.

His third son, Francis, was my ancestor, born in 1701 and died in 1777, and that generation appears to have come into great prominence in local and even State affairs. It has been said that among all the

#### HOG ISLAND.

Named from the shape of the land. The land was acquired by John Choate the original emigrant. In 1690 his son, Thomas, married and lived there for thirty-five years.

#### CHOATE HOMESTEAD ON HOG ISLAND.

Built in 1725 by Francis Choate, great-great-grandfather of J. H. C. Here, in 1799, Rufus Choate was born. The house and farm are still in the possession of his branch of the family.







Choate ancestors none were so illustrious for their piety as were Esquire Francis and his good wife Hannah. He was a ruling elder and is credited with having been a tower of strength in the Whitefield Movement, and to the end of his life the right-hand man of his pastor, the Reverend John Cleveland. Like many men of his time he was a slaveholder, but in his will he provided for the freedom of his slaves or for their comfortable support should they become aged and unable to work.

But it was his elder brother, Colonel John Choate, who first of the family enacted a distinguished part in public affairs. In all that concerned the commonwealth he was extremely active and useful and was evidently a forceful character of great ability and activity. Between 1731 and 1760 he was elected fifteen times as representative of Ipswich in the House of Representatives, and for five years he was a member of the Council. During his long term of legislative service, he appears to have been on all important committees and on many special commissions. He was called upon to do duty on all sorts of important subjects. In 1741 he was elected speaker of the House, but Governor Belcher seems to have been displeased and dissolved the House before anything further was done.

The subjects on which Colonel John Choate was employed included the Land Bank, the settlement of the boundary between Rhode Island and Massachusetts, an inquiry as to who were formerly sufferers

as Quakers or on account of witchcraft and what satisfaction had been made by the General Court to such sufferers, on bills of credit, to ascertain their rate with gold and silver, and also on the bills of credit of other provinces, on the payment of taxes and other financial matters. He went on the expedition against Louisburg with the recruits raised for that service, for which he had leave of the House to be absent, and was commissioned judge advocate of the Court of Admiralty at Louisburg after his arrival there with his troops. He also served on the committee on encouraging manufactures and other industries of the province. He was chosen by the two Houses commissioner to meet the Six Nations of New York. From 1735 to the time of his death, thirty years afterwards, he was constantly employed on important business for the commonwealth.

And this did not distract him from purely local affairs, for in 1764, the year before his death, he built the famous Choate bridge over the Ipswich River, a stone bridge of beautiful proportions, which still stands secure as on the day it was opened, although its low arches were such a novelty in that region that its collapse with the first heavy load that went over it was loudly predicted, and great multitudes are said to have gathered to witness the catastrophe.

His nephew, Stephen Choate, son of his brother Thomas, is also my ancestor, his daughter Susannah having married my grandfather George Choate, her cousin, and this Stephen, born in 1727 and who died

in 1815, was also a great public character, besides having thirteen children and a great troop of descendants.

In 1774 he was elected on the committee of correspondence which had so much to do with the origin of the great movements for independence which resulted in the establishment of the United States as an independent nation. He entered the General Court as a representative from Ipswich in May, 1776, when the court held its session at Watertown, Boston being in the hands of the British soldiers, and from that time he was annually re-elected until 1779, after which he became a member of the Senate and still later of the Council. He served for many years as county treasurer and was a constant and most useful public servant, and finally he was a member of the State convention that framed the celebrated Constitution of Massachusetts of 1780, which created for that State a government of laws and not of men. It was indeed the ideal model for all State constitutions.

Not only by what he accomplished in life, but by the pictures of him that have come down to us, it is evident that Stephen Choate was a man of strong and robust character and of unyielding tenacity of purpose. He had a great old Roman nose, which still reappears occasionally in the family, and a chin that showed his indomitable will. And the charming picture of his wife, Mary Low, which faces his, proves her to have been true to her vow to "love, honor, and obey."

John Choate, the son of Elder Francis, was a delegate to the State convention that ratified and adopted the Federal Constitution in 1788, in which he seems to have taken an active part in support of the Constitution and seems to have had a clear appreciation of the merits of that great instrument, under which we still live. He participated intelligently in the debates, especially on the subject of taxation, as appears in "Elliot's Debates" and in those published by the legislature in 1856.

But I must resume the story of my direct descent. William Choate, son of Francis, born on Hog Island September 5th, 1730, was the grandfather of my father. For many years he followed the sea, and became a shipmaster and owned vessels as well as commanded them. Retiring from that, he established a school on Hog Island and gave his children an excellent education.

I have in my possession his family Bible, not only dog-eared but the corners fairly worn away by the pious hands that turned them, and by this it appears that everything on Hog Island was regulated by the tides, as they could only reach the mainland at highest water. I transcribe the entries of his family from this Bible, as long as he lived on the island:

"William Choate (son of Francis Choate) & Mary Giddings (daughter of Job Giddings) were married Jan'y 16th, 1756, and October 18th, 1756 had a son

born, who lived but about four weeks—since had other children born (viz)

“David Choate was born November 29th, 1757, Tuesday in ye morning.

“William Choate was born Friday, August 10th, 1759 at high water.

“George Choate was born Wednesday, February 24th, 1764, low water in ye morning.”

So inveterate had the habit become of registering and commemorating the births of the children by the tide that, even after they had moved away from the island to the mainland and lived on farms looking across the brook to the island, they continued for a long time to record the births of the children in the same way, for in the same Bible I find the family record of my grandfather, George Choate, as follows:

“George Choate, son of Captain William Choate and Susannah Choate, daughter of Stephen Choate, Esq., were married January 1st, 1789, and Sunday, October 18th had a daughter still born, and since then had other children namely:

“William Choate was born Tuesday, October 26th, 1790 about eight o'clock in the evening, low water.

“John Choate was born Monday, July 16th, 1792, about four o'clock in the afternoon and about low water.

"George Choate (that was my father) was born Monday, November 7th, 1796, at nine o'clock in the evening about four hours ebb."

Captain William Choate appears to have been a highly intelligent person. He fitted for college in Salem, and his father desired him to graduate at the university and become a clergyman, but his own taste did not lie in that direction, and yet he was sufficiently self-educated to instruct his own four sons in navigation and other studies.

They all followed the sea more or less. David (who was the father of Rufus) sailed to Spain and also to southern ports when a young man. His son William went to sea eight or ten years before his removal to Derry. George was a captain before he came to the island, and Job was a captain between Europe and America for twenty years.

The lives of Captain William and his son George appear to have been singularly alike—simple, quiet, and unobtrusive, following the sea at times and farming for the rest, holding important local public offices, and employed by their fellow townsmen in the management of their affairs and enjoying their full confidence and esteem.

George represented the town of Ipswich from 1814 to 1817, and the new town of Essex after it was set off in 1819, and he held various other offices in the town.

I transcribe from the notice which the Salem *Gazette* published of him at the time of his death, as follows:

**STEPHEN CHOATE—1727-1815.**

**Great-grandfather of J. H. C. He held various public offices, was twice married, had thirteen children, and lived to be eighty-eight years old.**







"Few men have so well discharged the duties of husband, parent and citizen as Mr. Choate. He was for many years a member of the Legislature from Ipswich, and the first representative from Essex, and was much employed by his townsmen in the management of their concerns, deservedly enjoying their highest confidence, respect and esteem. By them his usefulness will be long remembered. To a strength and purity of mind there was united a quiet, peaceful and amiable disposition, which greatly endeared him to his friends and acquaintances. So mindful was he of the rights of others that, as he never made an enemy, so certainly he has not left one; and we cannot but admire and wish to imitate that discipline of mind and feeling, which he so eminently manifested, and which enabled him to perform the duties and sustain the fatigues and ills of life without a murmur or complaint. The virtues of honest fidelity and benevolence will not perish with the body. For the upright and faithful there remaineth a rest. He was always deeply interested in the cause of education, and gave his hearty and constant support to the institutions of religion."

He appears to have been the leading spirit in the movement for the separation of the Chebacco Ward in the town of Ipswich and its incorporation as a separate town in 1818, although such separation was steadily resisted by the inhabitants of the rest of the town.

\* \* \* \* \*

And there hang the portraits of my father and

mother, looking down upon me from the wall, photographs taken at about the age of sixty, both very handsome, very earnest and a little anxious, the reason for which will appear.

My father, Doctor George Choate, born at Chebacco, November 7th, 1796, was the sixth in descent from the original settler. He was prepared for college under the tuition of the Reverend Doctor William Cogswell, then master of the North District School in Chebacco, supplemented by a year in Dummer Academy and another year in Atkinson Academy.

He entered Harvard in 1814 and graduated in the class of '18, which numbered eighty-one members, the largest at Harvard up to that time and until my own class of '52, which numbered eighty-eight, both in striking contrast to the enormous numbers in more recent classes.

When he presented himself for examination, his name seemed to give great trouble to the examiners, for the Latin professor, who thought there must be one syllable for every separate vowel, in calling the list addressed him, as he told me, as "Co-a-te."

His classmates included such men as Professor John Hooker Ashmun, Sidney Bartlett, Francis Brinley, William Emerson (the brother of Ralph Waldo Emerson), the Reverend Doctors Farley and Noyes, and General Henry K. Oliver.

The curriculum and routine of education, from what he told me, seems not to have changed much

from the earliest period, chiefly consisting of learning by rote and recitations from the books studied.

Upon the subsequent settlement of his father's estate, which was inconsiderable in amount, a few years afterwards, it was found that George had received the whole amount of his share to pay for his education. In fact, from the time of his graduation he had to rely wholly upon his own resources, which made his professional and personal success in life certain.

To obtain the means of prosecuting his professional studies he was for two years master of the "Feoffee's Latin School" in Ipswich, and at the same time was engaged in the study of medicine with the late Doctor Thomas Manning, a celebrated practitioner of his day, and two years more were spent in the office of the late Doctor George C. Shattuck, of Boston, one of the most eminent physicians of his time. His relations with Doctor Shattuck continued until the latter's death to be of a most friendly and cordial character. I well remember the kindly hospitality of the old gentleman at his stately residence at the corner of Cambridge and Staniford Streets in Boston, where he often entertained my brothers and myself while in college in the most paternal and friendly way.

In 1822 he received the degree of M.D. at the Harvard Medical School and immediately entered upon the practice of his profession in Salem. His success from the start was pronounced and continued for a period of nearly forty years. His practice extended

through the neighboring towns and involved the most strenuous labor, but he was not content with professional success alone, for he was a man of genuine public spirit and took an active part in all the affairs of the community, which constantly relied upon his advice and assistance.

For many years he was president of the Essex South District Medical Society and of the Salem Athenæum. After withdrawing from practice, he represented Salem for several years in the General Court, and previously he served efficiently as chairman of the school committee and as an active member of the Board of Aldermen.

He was a pillar of the First Church, the church of Francis Higginson and Hugh Peters and Roger Williams. He was deeply interested in all the historical traditions of that ancient congregation, and at the installation of a new clergyman in 1848 he officiated as chairman of the committee, and, after the manner adopted by the brethren at the installation of Higginson and Skelton in 1629, made the address which inducted the new pastor into office, in exact conformity with what was done in the church at its foundation two hundred and nineteen years before.

His interest in education was very remarkable and never-failing, and he heartily sustained the efforts of Horace Mann for the reform of the school system of Massachusetts, which wrought such a wonderful change in that system. I well remember his taking me with him in his chaise to Topsfield, where he went

to attend a teachers' convention at which Mr. Mann was to be present. And as the distinguished reformer was desirous of getting to Salem that night my father invited him to drive home with him, and as there was no other place for me I sat all the way upon Mr. Mann's lap, which I have always regarded as the actual beginning of my education.

The lives of my father and mother were truly heroic in the matter of the training of their own children. Having four sons and two daughters, they determined at all hazards to give them the best education that the times afforded, and in so doing they set them a wonderful example of self-control, self-denial, and self-sacrifice. Everything else was subordinated to this high ideal and they denied themselves everything else to accomplish this lofty purpose.

At that period I cannot recall my father ever taking a holiday, except for one hot afternoon in summer, when he drove the whole family in a carry-all to Phillips's Beach for a sail and a fish supper. All the rest of the time, summer and winter, was devoted without stint to constant work.

Social enjoyments were very limited and our family life was in striking contrast to that which prevails among well-to-do people to-day. But they succeeded to a very remarkable degree and gave their children an inheritance which was far more precious than any amount of wealth would have been. Many a time have I seen him pay out what was nearly his last dollar for the settlement of our college bills, and

all he had to give us by will was a hundred dollars apiece.

But his triumph was of the most signal character, for the Harvard College annual catalogue of 1848-49 contained the names of all his four sons, one a medical student, one a senior, and two freshmen. And when I recall that all this was accomplished out of his narrow professional income, when his ordinary fee for a visit was seventy-five cents and seven dollars and a half for bringing a new child into the world, it is hardly possible to conceive how he could have done it.

But they had their reward in the success of their sons and daughters and in their most fervent gratitude. I remember that when my brother William and I graduated at Harvard in 1852, William was the first scholar in the class; so much so that there was really nobody second, and the faculty with an unusual manifestation of sentiment gave him at commencement the Valedictory Oration which was his as a matter of right, and to me, although I was only the fourth scholar, the Salutatory Oration, which did not belong to me at all, so that we sandwiched the class between us in the exercises of that day.

And when my mother appeared, with her characteristic modesty and shyness, Mrs. Sparks, the wife of the president, greeted her with the question: "Why, Mrs. Choate, how did you come up from Salem?"

My mother answered: "I came in the usual way, by the train to Boston and to Cambridge in the omnibus."

Mrs. Sparks exclaimed: "You ought not to have come in that way; you ought to have come in a chariot drawn by peacocks. Such a thing as this has never been known before in the history of Harvard—two brothers sandwiching the class on the commencement programme!"

I suppose there may be many similar examples of parental devotion and self-sacrifice among us to-day, but they are not apparent. In those days the rule was duty first and pleasure afterwards, and if duty occupied all the time it must be performed at all risks and let the pleasure go. Nowadays, so far as I can observe, among successful people pleasure occupies a much more prominent place and is not necessarily sacrificed to duty. When I look around me and see fathers and mothers devoted to pleasure, to bridge-parties and dancing and the various other forms of social entertainment, I often wonder what the moral effect will be upon their children who cannot help seeing it all.

At any rate, the old way created an indissoluble bond between parents and children, and for one, throughout life I have never made any important decision without wondering what my father and mother would have said about it.

Some day the present carnival of sport and pleasure will be checked and an era of self-denial and sacrifice will come again. Fathers and mothers such as I have described mine to have been do really constitute the pride and glory of the commonwealth, as they

have been from the earliest days of the colony, when everything else was subordinated to working out the salvation of themselves and their children. Of course, it is money that is doing the mischief, and fortunately does not affect nine-tenths of the people of the country, who have really to work for their daily bread; among whom must in every generation be found thousands of instances of parents who sacrifice the present to the future and forego everything else to make sure of the education of their children.

My father at last paid a fearful penalty for the constant overwork and nervous tension of his earlier years, for at about the age when his father and grandfather had died, his health failed entirely, and he lived an invalid for more than seventeen years. It was here that the supreme patience and fortitude of my mother, which she had derived constitutionally from her father, proved such a priceless blessing in enabling her during that long period to comfort and care for him.

DOCTOR GEORGE CHOATE.

Born at Ipswich, 1796; died at Cambridge, 1880, in the eighty-fourth year of his age—father of J. H. C. This silhouette was evidently made as he approached middle age.







### III

## CHILDHOOD

And now I come to my own birth, which took place at Salem on the 24th of January, 1832. I have never had my horoscope cast, but it must have been propitious to account for the cheerful temperament which has marked my whole life, always looking on the bright side and making the best of everything as it came, which has been in itself a great fortune, worth more than many millions.

The earliest written record of my appearance in the world is contained in a letter written on the following Sunday by one of my aunts to another, in which she says:

“Margaret was confined last Tuesday with the largest boy she ever had. She continued comfortable for three days. Since I have not heard, but presume she remained so. She has put her child out to nurse.”

As I was the fifth child and the fourth boy, the oldest not yet five, my size spoke well for me at the start, and the reason that I was put away so summarily was that all the other children at the time had the whooping-cough, for in those days it was supposed, as I believe it is now, that the whooping-cough was fatal to new-born infants.

At any rate, I was wrapped up in a blanket immediately after my birth and carried over to the banks of the North River, where the selected nurse, Mrs. Law, dwelt, and there I remained for seventeen months, which can only be accounted for on the theory that I was regarded at home as one too many, who would be only in the way if returned to the parental mansion.

There was once a malicious suggestion that during this protracted separation from the family my identity was in some mysterious way changed, and that I was only a changeling after all. But one had only to look at my mother's features, which were exactly like my own, to see how groundless this suspicion was. It only had its origin in the fact that I was really quite unlike all the rest of the children in temper and disposition.

This must have had some effect upon my character at that early day, for my mother, writing to her sister-in-law on the 10th of February, 1834, says: "I have no baby you know to keep me at home, for Joseph is two years old, although rather troublesome. He was seventeen months old when we took him home. He had been indulged so much we found him rather difficult to manage," a condition which, I fear, continued some time afterwards; but, anyhow, I had to fight for my place in the family and gradually secured it.

But I was not long to enjoy undisturbed the domestic felicity of home which I had thus regained. In those days, when servants were few and nurses for

the children almost unknown, the sooner they were sent to school the better for all concerned, and it must have been an immense relief to my mother for a great part of the day when all the five children were already in school. My earliest recollection is of being taken by the hand by my brother William, who was a year and a half older—I was two and a half—and led to the Dame's School, which I attended until I was seven years old.

It was the simplest affair possible, kept by an aged spinster, Miss Lewis, and her widowed sister, Mrs. Streeter, and attended by some twenty boys and girls, the children of our neighbors and friends.

I perfectly remember my first morning at the school, when I was put in charge of the biggest girl among the scholars, who afterwards became a dignified matron of the city, the wife of a distinguished lawyer and the mother of a considerable family. The schoolroom was of moderate dimensions, the boys upon one side of the stove, which occupied the centre, and the girls upon the other.

The only punishment that I remember at the school for any boy who misbehaved was to be put over to sit among the girls. This was a little awkward at first, but I soon got used to it and liked it very much.

It was like a modern kindergarten without the apparatus, but we did learn to read and write and cipher there, so that I cannot recall the time when I could not do all of those things.

Mr. William M. Evarts, with whom I long after-

wards became associated, is recorded in the life of his father to have read the Bible perfectly well at three years old. I do not think that I was quite equal to that, but certainly had begun to read at that age.

The surroundings of the school were attractive. Across Sewall Street, where it was situated, and this was within a stone's throw of my father's house, there was a wheelwright, and it was great fun for the children to gather about this skilful mechanic and watch his work. His name was Ira Patch. At the corner, as we turned into Sewall Street from Essex Street, was quite a noted hardware store kept by Robert Peele, and his shop-window with its wonderful collection of all kinds of hardware was a constant attraction. But best of all, in immediate contiguity with the schoolhouse, was a famous blacksmith shop kept by Benjamin Cutts, whose forge in active operation it was a daily delight to watch. He was something more to us than a mere neighbor, for sometimes, when one of the boys, who was constitutionally refractory, became unmanageable the schoolmistress called out: "Send for Mr. Cutts! Send for Mr. Cutts!" and the sturdy blacksmith came in to the rescue and suppressed the offender.

These dame's schools were a peculiar and very important institution of New England and had been so from its foundation. Each was entirely independent, related in no way to any other school, and contributed substantially to the support of otherwise helpless dames and to the welfare of their little charges. I

have no idea or recollection of what the tuition-fees were, but they must have been infinitely small. And yet they constituted all that my father ever paid for my education until I entered Harvard College.

The town schools at that time were in an extremely rude and primitive state, very much as they must have been for two hundred years at least. I remember perfectly well being taken by the hand by my father the morning I was seven years old and taken to the public school, an alarming experience, indeed, for the master, Abner Brooks, had the reputation of being a perfect terror. He was a weakly man and made up for that infirmity by a liberal use of the cow-hide, which he applied very freely.

The Centre School, as it was called, was in Washington Street, and was kept in one large room, where there must have been about fifty boys from seven years old to fifteen. We sat on benches, which stretched across the room from front to rear with an aisle between, on a sloping floor, and as the youngest boys were on the back seat, I was marched up in the face of the whole room to my place there. It was really a terrible experience.

All the teaching was done by this one man, who heard the successive classes recite from nine to twelve in the morning and from two to five in the afternoon. At the close of every day a group of offenders were stopped after school to receive the application of the rod, and this was in addition to the use of the long rod which would reach the backs of half a dozen boys

on the same bench and was applied from the central aisle.

On the whole, it was a pretty brutal affair. There were no games and no recreation at the school. The only thing that might be so considered was when a new load of wood came. The best boys were allowed to get it in, which was regarded as a special privilege. Certainly there must have been much waste of time in the years that I spent at that school.

The master had no special gift for teaching. It certainly was a dreary routine, with little to mitigate the rudeness and dreariness of it. But now and then, when our school-teacher felt uncommonly well, he would make us a little speech and say that hereafter he was going to rule by love, and as proof of it he would cut up both his cowhides and have them burned up in the stove. But in a few days this did not prove satisfactory, and new rods were purchased and never spared for fear of spoiling the children.

Happily for us all, Horace Mann soon came to the rescue and convinced the people of Massachusetts that decent and sanitary schoolhouses and humane treatment and skilled teachers really qualified for their task, were the best investment that the State could make. New schoolhouses of fine proportions, built on sanitary principles, began to rise throughout the State of Massachusetts, normal schools came into being, and a board of education was created which bore the responsibility of the general conduct of these schools throughout the State. The ancient town of

Salem, at the time of my birth not yet a city, was a unique and most wholesome place in which to be born and bred. It was a place of about fifteen thousand inhabitants, fourteen miles from Boston, to and from which city the stage ran every day but Sunday. It had two newspapers, *The Salem Register* and *The Salem Gazette*, printed by hand-presses, and published each twice a week, so that we were comparatively secluded from the rest of the world, hearing from Boston every afternoon, from New York about twice a week, and from Europe about once a month. Consequently our people were thrown very much upon themselves and took an intense interest in local affairs, and had but a scanty knowledge of what was going on in the rest of the world. Steam and electricity had not yet begun their wonderful work there, friction-matches were just invented and regarded as a great curiosity, and I remember my father bringing home a piece of anthracite coal, a kind of fuel hitherto wholly unknown, and making great complaint because, when put in the fireplace, it would not burn.

We lived in an old brick house of large dimensions, looking out upon the west upon the grounds of Barton Square Church with their fine elm-trees and with a great garden in the rear. There was no furnace in the house, the only mode of heating being by stoves and open grates and fireplaces for wood, of which I remember only three, one in my father's office, one in mother's room, and one in a large sitting-room, where we all sat and lived and worked together. There was

no gas as yet and our only lights were candles, brass oil-lamps, and astral lamps with glass chimneys and shades, which gave the best light we had.

This house had been purchased by my grandfather Hodges just before the marriage of my father and mother, as the deed of record in the Registry of Deeds shows. It had already some historic interest, for it was there that Count Rumford, then known as Benjamin Thompson, served his apprenticeship in the general store of Mr. Appleton, who then owned the house. This must have been a few years before the outbreak of the Revolutionary War, for his biography says that he was at the age of fourteen sufficiently advanced in algebra, chemistry, astronomy, and even the higher mathematics to calculate a solar eclipse within four seconds of accuracy. Certainly he was one of the earliest of infant phenomena. It is further recorded that in 1776 he was apprenticed to a storekeeper in Salem, and while in that employment occupied himself in chemical and mechanical experiments, as well as engraving, in which he attained some proficiency. The outbreak of the Revolutionary War put a stop to the trade of his master, and he thereupon left Salem and went to Boston, where he engaged himself as assistant in another store, and began his wonderful and most romantic career, marrying at nineteen a woman of property, his senior by fourteen years, sailing for England on the evacuation of Boston by the royal troops in 1776, knighted by George the Third, and all the time making very im-

HOUSE OF DOCTOR GEORGE CHOATE ON ESSEX STREET, SALEM.

This house was given to Mrs. George Choate by her father, Gamaliel Hodges, on the occasion of her marriage to Doctor Choate, and here all her six children were born. It was also in this house that Count Rumford served as apprentice to Mr. Appleton before the Revolutionary War.

HODGES HOUSE ON ESSEX STREET, SALEM.

A good specimen of the style of the period. Owned by John Hodges, uncle of J. H. C.







portant inventions and discoveries, many of which have lasted until the present day, made a count of the Holy Roman Empire by the King of Bavaria, and marrying for his second wife the wealthy widow of Lavoisier, the great French chemist who was guillotined by Robespierre for his great services to mankind. I am sorry to say that with his last wife he led an extremely uncomfortable life, until at last they agreed to separate, and he died in peace in 1814, having established Rumford Medals in the Royal Society and the American Academy of Arts and Sciences, and the Rumford Professorship in Harvard University. How much of this erratic and successful career was due to his long residence as apprentice in our house, it is hard to say, but we may claim the credit of all that was creditable in it.

## IV

### SALEM

Salem, which continued to be my home for the first twenty-three years of my life, was a most unique and delightful place. It was so old, so queer, so different from all other places upon which the sun in his western journey looked down, so full of grand historical reminiscences, so typical of everything that has ever occurred in the annals of American life, that it was a great piece of good fortune to be born there. The natives of the place were a little older to the cubic inch than men born at exactly the same moment in any other part of America. It could not possibly be otherwise with human beings born and bred in those old houses, which have cradled so many of our race for upwards of two centuries, that humanity itself had got used to being started there, and found itself an old story at the beginning. Comparing a new-born Salem baby with an infant born at the same moment in Kansas, or Colorado, or Montana, I venture to say that the microscope would disclose a physical difference, a slight—perhaps a very slight—mould of antiquity, which all the waters of Wenham Pond could never wash away.

It was the very spot where Endicott had landed in

1628, and John Winthrop, the leader of the great Puritan host which came over in 1629. It had been the scene of the terrible witchcraft delusion in 1692, when all the people of Massachusetts, from the governor down, led by the infernal doctrines of the clergy of that day, headed by the notorious Cotton Mather, really believed that satan himself was actually present among them seeking whom he might devour; all which resulted in the cruel slaughter upon the gallows of twenty of the most respectable people of the place, and left a cloud upon its good name which will never be effaced.

In the early part of the eighteenth century Governor Burnett had transferred the General Court to Salem, but they refused to do any business there because it was not their proper place, and again when General Gage, in 1774, arrived he attempted to transfer the legislature to Salem, which was the scene of great activity and conflict between the royal authorities and the people during that year. It has always been claimed by the people at Salem that the first blood of the Revolution was shed there at the old North Bridge when Colonel Leslie one Sunday morning led a company of royal troops from Marblehead to capture a quantity of arms and munitions stored there, but was dissuaded from making the seizure by the influence of its leading citizens.

From the beginning the port had been the scene of a steadily growing commerce, Salem ships being the first to penetrate the distant regions of India and

China, and bringing home cargoes of fabulous value, which enriched many of the leading people. Many great fortunes had been made there, most of which had already been transmitted to the second generation before my birth.

The First Church in Salem, in which I was brought up (being required to attend two sessions there every Sunday, summer and winter, rain or shine), had maintained its position on the same spot from the earliest days of the colony. It was the church of Francis Higginson and Roger Williams and Hugh Peters, all of whom had been driven from England in the days of the tyranny of Archbishop Laud, as non-conformists. It was within the walls of this church that Anne Hutchinson and the Quakers had made their unseemly demonstration, for which they had been expelled from the colony, but non-conformity seemed to be deeply rooted in the soil of the church, and in my boyhood it was one of the most pronounced Unitarian churches in the whole commonwealth.

All these historical reminiscences and traditions hung over the place and made a deep impression upon the minds of sensitive and impressionable children who were brought up there even down to my time, and these impressions were greatly confirmed by the wonderful writings of Hawthorne in all his books relating to colonial history. We loved to wander at large within the narrow limits of the old town, endeavoring to locate the places where its notable celebrities in former generations had acted their parts.

At the time of my birth Salem was an extremely isolated place, practically shut in from the rest of the world. There was daily stage communication from Boston, which ran on to the eastward through the town, and the life there was extremely simple. The commerce of the place had practically dried up, and there was only the local trade for the supply of the necessities of the inhabitants and of those who came in from the neighboring country to do their shopping. The population was homogeneous, pure English throughout. The great tide of Irish immigration had hardly begun, although a few straggling Irish girls could be found in the kitchens, but I can only recall two foreigners among the better class of the people, one an Italian music-master, and another a French refugee, both gentlemen of excellent quality.

Neither steam nor electricity had yet been introduced in any form, but they were soon to come, for one of my very earliest recollections was in 1837, when I was five years old, being taken by my father to the top of Castle Hill, which lay to the south of the town, to see the first railroad-train come in from Boston. Compared with any railroad-train now known it was a very petty and puny affair, a little engine with two small-sized passenger-cars and what was called a "nigger car" attached for colored people to ride in. Samples of such primitive trains are always shown now as exhibits from the earliest railroads as examples of the beginning of the transportation system of the United States.

That was truly the beginning of the life of the place which had been slumbering for years since its sea-board and seaborne life had died away. I was literally born into a wholly different life from any that we know anything about to-day. The town was dead before this first railroad-train arrived, and from that moment it really began to wake up. In fact, for a time, the coming of the train from Boston was the signal for a great assemblage of the younger people at the station to see the train come in. There were no time-tables, and the coming and departure of trains was announced by an old Revolutionary soldier, a veteran corporal, who became well known to all the boys in town, Corporal Pitman, and the local rhyme ran:

“Who rings the eastern railroad bell,  
And makes its notes with power tell,  
And who can do it half so well  
As Corporal?”

Two years afterwards the eastern railroad was extended to Beverly, two miles beyond, and to accomplish this, what appeared to our childish imaginations to be an enormous tunnel was dug through the centre of the town from river to river, at least fifty feet deep and still more broad, which cut the town in halves, and when it was finished and the trains ran through to Beverly and beyond, Salem had awakened from its lethargy and was really in touch with the rest of the world.

We were very proud of our local celebrities, es-

pecially if they had attained to great national and public reputation, and one of my earliest reminiscences is being sent home from church one hot Sunday afternoon, at the close of the service, to make room for a grown person to attend the eulogy to be pronounced upon Doctor Bowditch, the great mathematician and navigator. I could not have made room for a very large person, because I was then only six years old, but every inch of space in the First Church was required for so celebrated an occasion.

Life in those days was a steady round of work, even for the young people, with very little play and still less decoration. The clothes of all classes and both sexes were very plain, and the cuisine and the food were very simple. It is true that there were some very rich people in the town, who had inherited and divided the wealth of the great merchants of the previous age, but the rest of the people who were engaged in earning their own living and ours had not much to do with them. They had some pictures and statuary that, I believe, were of no great account, and there was no opportunity for the study of art except at the famous East India Marine Museum, which was organized in the early part of the century and composed of seafaring men who had navigated Cape Horn or the Cape of Good Hope as master or supercargo, and had brought home curiosities from distant parts of the world, which were the chief riches of their museum. But it did hold two wonderful casts that made a great impression on my mind, one of the Laocoön, and

the other of the boy seated and picking a thorn out of his foot, which are still very famous among the artistic treasures of Europe, and there also were products of Chinese and Indian art which compared well with more modern importations from those distant regions.

I believe that Salem in the time of my boyhood could boast of a greater proportion of living Harvard graduates than any other town in the State, for those old merchants had had the wit to send their sons to college, and every year a liberal contingent of candidates were sent to Cambridge.

For a place of its size, too, Salem was well supplied with local newspapers, which held a high reputation in the ranks of the American press, *The Salem Register* and *The Salem Gazette*. *The Gazette* had had a long career and was a dignified paper of somewhat aristocratic tone, while *The Register* had started as a Democratic paper and was much patronized by Judge Storey, who, I believe, had something to do with editing it in his early days, and who wrote the verse which it always maintained at its head:

“Here shall the press the people’s rights maintain  
Unawed by influence, and unbribed by gain  
Here patriot truth its sacred precepts draw  
Pledged to Religion, Liberty and Law.”

Each of these came out twice a week, *The Register* on Monday and Thursday, and *The Gazette* on Tuesday and Friday, and that was about all the people could bear, for an attempt to convert *The Gazette* into

a triweekly paper after we began to have daily papers from Boston proved an entire failure, and was stigmatized by the boys with a contemptuous verse: "Triweekly, but try in vain." Like the local press of every suburban town, it had to yield at last to the greater success and value of the metropolitan journals.

Our sports consisted in the winter of an occasional sleigh-ride, and in the summer of a few rude games at school during recess, and ranging over the great pastures, which were a relict of colonial days when rights were acquired by the inhabitants who kept cows, which gave them right to pasture them within its limits. These pastures extended all the way from Salem to Lynn, and were great places of resort. My father also kept cows, never less than two, which we took care of and milked and drove to pasture, and thought we enjoyed it, and I had special opportunities for driving about, as my father often took me in his chaise, on his round of professional visits, to hold the horse.

We also had much to do with assisting my mother about the household work, for servants were very few in those days and large families were brought up with the aid of not more than one or two servants with occasional help of chorewomen called in for the purpose, but we did have a good, sound, wholesome training and education in schools of a high character which then sprang up all over the State under the inspiration of Horace Mann, and the brutality that had

been maintained steadily in the first grammar-school that I attended, with its squalid accompaniments, was speedily put an end to. Flogging which had there prevailed to an unlimited extent was practically abolished, although the right to punish in that way was still reserved for serious cases.

I have said that our education was all without cost to my father until we entered Harvard, but I do not mean training in the accomplishments of life, for I was sent to three institutions of that kind, the dancing-school under the famous Papanti, the singing-school under Jacob Hood, and a drawing-school under Robert Conner, who was, I believe, an imported Irishman and a very good teacher; but the results in these three establishments were not very flattering to my pride, for I remember on one occasion, after a serious trip-up, being sent home by Papanti with a message to my parents that I was a disgrace to my family, and after I had cultivated the art of drawing, as I supposed with success, for about two years, Mr. Conner took my father aside and whispered to him confidentially that he need not send me any more to the school, because he really could not teach me any more, and in singing-school I never reached the dignity of singing alone, but only in very bad school choruses.

As my youthful years progressed there was one form of entertainment that I found most useful and instructive. I mean the lyceum lectures that at that time prevailed generally throughout New England in

the larger towns and cities in the winter season. We regarded it as a great thing to have the most distinguished men of letters in the country come and deliver discourses on interesting subjects, and I believe that I was always a faithful attendant in all the later years of my school days on these courses. When such men as Doctor Holmes and Mr. Emerson, James Russell Lowell, and their distinguished colleagues in Boston came, we hung upon their lips with the most devout attention. I believe that this form of entertainment afterwards declined, owing, I suppose, to the universal introduction of magazines and weeklies which brought home to every house instruction in similar subjects as those to which we had been so long used in the lectures of the lyceum.

There was also another form of entertainment which, as the years advanced, I found especially fascinating and which, perhaps, had some influence in shaping my subsequent career, and that was attendance upon the sessions of the higher courts of record, the business of which, so far as it pertained to anything like local importance in Essex County, had not yet been absorbed, as it now is, by the greater city of Boston. The sessions of the Supreme Court, presided over by Chief Justice Shaw and his associates, were always a great attraction, especially in the jury trials, where the jurors were selected, two panels for each term, and composed of citizens of high character, and these drew for their professional labors men of distinction from other counties besides Essex.

I remember well seeing and hearing Samuel Hoar, of Concord, Rufus Choate, of Boston, Benjamin F. Butler and Thomas Hopkinson, of Lowell, Otis P. Lord, who was afterwards a valuable judge of the Supreme Court, and many other distinguished men, and it was a special treat to me to hear their discussions and contests with each other and with the members of the Salem bar, which was then still of great importance, and in the absence of theatres, which were up to that time unknown in Salem, these sessions of the court afforded quite as much tragedy and comedy as any ordinary theatre would have done.

The preparation for college was of the best quality then known, and I think quite as good as any that has succeeded it up to the present time. After a full course in the common schools and three years in the high school, covering the ordinary branches of English school education, we had a special school where nothing was taught but Greek, Latin, and mathematics, and all by a single teacher who was a special expert in the preparation of boys for college, although his original training in English must have been somewhat imperfect, as it had not rescued him from the frequent use of the double negative, and the boys in the school amused themselves by getting up an exaggerated example of this as illustrative of his mode of addressing blockheads that came under his hands, something like this:

“You don’t know nothing, and you never did know

GAMALIEL HODGES—1766-1850.

Grandfather of J. H. C. From a pastel portrait painted in Antwerp, when "Captain" Hodges, as a young sea captain, roamed the sea. He lived to be over eighty-four years old, and only survived his wife two months. Their married life lacked but six days of lasting sixty-two years.







nothing, and it don't seem as if I could not never teach you nothing nohow apparently."

But he was a splendid teacher, nevertheless, and got us all into college with flying colors. I believe that this school has been absorbed now and made a part of the high school, which, in my judgment, was a sad departure from the very best method as it then prevailed in Salem, in Boston, and in Roxbury, the Latin schools of which sent the best-prepared students to enter at Harvard.

This school was claimed to be the first public school in the colony of Massachusetts, although I think that the claim of the Boston Latin school to have preceded it in its origin may have some foundation, but as Salem was founded some ten years before Boston, I have always been inclined to believe that this school was the first in the colony, and that in some way or other it had been continued uninterruptedly down to my time.

At any rate there was inscribed upon the wall of the schoolroom the words "Schola publica prima," and the name of George Downing as its first pupil. Of this antiquity we members of the school were not a little proud, as it seemed to give a sort of historical renown and certainly an interesting tradition to the school.

This George Downing afterwards became a member of the first class that graduated at Harvard College in 1642, where his name is entered "George Downing, Knight 1660, Baronet 1663, Tutor, Am-

bassador to Netherlands from Cromwell and Charles Second, M. P.," and as the names of the members of the class were then entered according to social distinction of their family his name appears second, as he was a nephew of John Winthrop, the founder of the Commonwealth of Massachusetts. We always enjoyed the idea of having been schoolmates of this celebrity, although two hundred years apart.

I remember referring to this at a lord mayor's dinner in London, in 1902 I think it was, when I was called upon to speak for the diplomatic corps, and I gave them the history of George Downing as I had studied it out for the occasion; how he had been secretary of the treasury in England in 1667, and had represented England at the Netherlands as ambassador from Charles the First, from Cromwell, and from Charles the Second; what a wonderful turncoat he had been to be permitted to represent the Protector as well as the two Stuart Kings who preceded and followed him; how by the favor of Charles the Second he had acquired a vast tract of land in London, in close proximity to what is now the very seat of government, all of which had disappeared except the little cul-de-sac called Downing Street, which leads in to the Foreign Office, so that his name is stamped indelibly upon the very seat and centre of the British Empire, as I had hoped that it would be upon the school which he and I attended.

When I sat down, Lord Salisbury, who was then prime minister and had made the great speech of the

evening, turned to me and said: "Where did you find out all that? I never heard anything about it." And I replied: "Why, I made a special study of it, as I felt I ought to know the history of the spot on which all my official business in England was conducted."

Before I bid farewell to Salem I ought to say that Salem as I knew it when I left to go to Harvard, in 1848, still remains practically unmarred and undisturbed by the late terrible conflagration there. All the streets, highways, and byways that I knew as a boy still remain as they were, and only a great exterior range of buildings, stores, and residences which had been built up since that day were destroyed in the fire, which called the attention of the whole world in 1912 to that ancient town.

There must have been something in the air of Salem or in the tone of the school which gave special vitality to the boys who were educated there, for of my class at Harvard, which consisted of eighty-eight members, gathered from all parts of the country, there are at the time of the present writing five survivors, four of whom entered with me at the Salem Latin School, and from there we proceeded together to the college.

I think that like the other towns on the eastern shore of Massachusetts, which were all of purely English origin, Salem must have retained by tradition many usages of transatlantic origin or derived from the customs of the first settlers. For instance, the curfew bell which, I believe, still rings regularly as it

has for the last two hundred and seventy-five years was certainly an importation from the old country, and the town crier must have been of similar origin. He was employed to give notices of sales, losses of children, losses of dogs, and other important local events. He carried a hand-bell and would stop at each corner as he passed down Essex Street and ring the bell with all his might, and we gathered about him with great interest to hear the news, whatever it might be, as with a stentorian voice that could be heard the length of a block he would utter his important intelligence, while we all listened with mouths and ears wide open. And then there was the local vendor, a quaint old Frenchman, old Monarque, whose name must be added to our foreigners of distinction, for he dealt in a very limited number of articles as he drove his push-cart all about the town, shouting in broken English: "Pickledy limes, and tamadirinds, two for a cent a piece." This, too, must have been an old English mode of advertising before the days of newspapers.

In the First Church, of which my father was a pillar, which had become under the influence of Channing a very strong Unitarian body, when they came to install a new clergyman in 1848, instead of having a clerical array of participants to administer the laying on of hands, the service was performed by Doctor Choate, who delivered an address on the occasion, and it was said that the proceedings were exactly like those which had taken place two hundred and nine-

teen years before when the church was first established.

Wednesday afternoon, like Saturday afternoon, was always a general holiday for the schools, because in the early colony days there was a religious lecture delivered every Wednesday, and from that time down the Wednesday holiday was called lecture afternoon.

So, also, for hundreds of years all work on Sunday was prohibited, even the necessary cooking for the family. There were public bakehouses to which private families on Saturday afternoon sent their pots of pork and beans, of Indian pudding, and brown bread, which were ready for them hot on Sunday morning and delivered to those who had sent them, and you would see a long string of callers every Sunday morning at the entrance of each of the bakehouses. Sunday began at sundown on Saturday, and nothing but good books were allowed to be read by the children until the sun had set on Sunday afternoon.

We had one great political excitement, the first in which I took an interest at the premature age of eight, having been born in the administration of Andrew Jackson, in his second term, and survived that of Martin Van Buren, which embraced the almost fatal panic of 1837. The nomination of "Tippecanoe and Tyler too," William Henry Harrison and John Tyler for President and Vice-President, excited the enthusiasm of all of us boys, which was brought to a white heat when a huge log cabin was erected, with a

hard-cider barrel in the rear and a live coon at the front door, where the constant meetings of this campaign were held. I think nearly all the people of Salem who had suffered from the hard times were for the Whig ticket and were strongly tempted by the cry of "Two dollars a day and roast beef," which was the catchword of that campaign. All the distinguished orators of the country came to speak, among whom I remember notably Tom Corwin, of Ohio, who, after a life of great distinction, afterwards voted against supplies for the army during the Mexican War and came to an end of his political career. In the election of our candidates there was great universal exultation until, a month after his inauguration, President Harrison died, and John Tyler turned traitor to his party and led the democracy. I well remember attending the funeral ceremonies of President Harrison and listening to a eulogy of the deceased President on Salem common with a crape band on my arm nearly a foot wide, and while I was listening this band was snatched away by some underserving Democrat, and I went home in tears, whether more for the President or the lost band I cannot at this distance of time state.

I have said that we were not much given to sport, or not at all, but I must make one exception. We played cards a great deal. Father had a theory that if he taught us all the games of cards that he knew or could learn himself, there was no danger of any of the children taking to gambling when they grew up, and

so it proved. There was not a well-known game of cards that we were not taught, and the result was just as he had calculated. This, I think, would be a very wise example to follow in every family, especially in these days of auction bridge, which is, I believe, doing much mischief in many a community. It operated just as well as his theory about work did, that if he established a habit of regular work among the children they would become lovers of work for its own sake when they grew up, and so again it proved. Nothing could be more simple, wholesome, and healthy than our bringing up was, and we all had abundant reason to be grateful for it in our subsequent life.

Our family at Salem consisted not only of the four brothers, of whom I have already said so much, but we had two sisters, Elizabeth and Caroline, one older and one younger than myself, who, like their mother, proved to be women of sterling character and of the highest ideals. Elizabeth was born in September, 1829, nearly two years and a half before me. They were both very important members of our family. Beyond the public schools at that time there was no provision for the higher education of women. Colleges for women had not yet been thought of, and the only recourse was to select private schools for girls, with which Salem for two or three generations had been richly provided. In my mother's time there was a very celebrated teacher of very high grade named Thomas Cole, to whom the daughters of all the lead-

ing families of Salem were sent and reared with great success. He turned them out well-educated and accomplished women, and was very much assisted, as I believe, by Professor Louvrier, who at the same time trained them in foreign languages, and they were followed in subsequent years by a very famous school, kept by Miss Ward, to whom my sisters, with other choice girls of that period, were intrusted with the same success.

Elizabeth was a girl of really fine genius, to whom the acquisition of knowledge came easily by nature. She also came to be a very excellent musician, and was a very bright feature of the family, warm-hearted and most devoted to the rest of us. When she came of age, in 1850, there was every prospect of a brilliant career for her, and she aspired to follow the example of Miss Ward, whose reputation was exceedingly high, and become herself a teacher. For a short time she did assist General Henry K. Oliver, with whom she had been a pupil, in his classes, but, unfortunately, to the great distress of the family, she within a very few years showed symptoms of that insidious disease, tuberculosis, of which at that time the medical faculty had very little control, and it seemed to be taken for granted that the disease must take its course and that a fatal result, sooner or later, was inevitable. Every effort was made to resist the progress of her trouble by long summers in the country in the hope that the fresh-air cure would benefit her, as it undoubtedly did for a while, but at the age of thirty we

met with an infinite loss in her death, which caused the first break in our family circle, and which was sadly deplored by us all. Strange to say, my mother, who lived to be such a noble pillar of health and strength, lost her elder sister at about the same age and from the same hopeless malady. In both instances the surviving sister and all the brothers were wholly free from any manifestations of the infirmity, and were lifelong models of robust health.

My sister Caroline, who was nearly three years younger than I and was very charming and handsome, was educated in the same way as her elder sister, and was much beloved and admired, not only in her own family but by every one who met her. At the age of twenty-six she married a charming German, Doctor Ernst Bruno de Gersdorff, who had settled in Salem as a practising physician some ten years before, and he also had become a very great favorite among Salem's best people. He was born at Eisenach in the Duchy of Saxe-Weimar in the year 1825, and was very highly educated and accomplished before he came to this country. His father was for many years chief justice of the Duchy of Saxe-Weimar, and moved in that wonderful circle of learning and culture of which Goethe had been recognized leader, and as the young de Gersdorff was twelve years old before the death of Goethe he must have been deeply affected and influenced by the wonderful impression which that great poet and philosopher made upon the community in which he lived, and to

which youthful minds were so receptive and susceptible. When the stirring times of 1848 came on in Europe and the revolutionary spirit broke out in Germany, which captivated and involved so many young men, de Gersdorff's elder brother was mixed up with some transactions which excited the attention and censure of the government, and he had to leave Germany. As the suspicion of complicity was supposed to have extended to the younger brother also, his father thought best that he should come to America, and he accompanied his younger son to this country, where he settled, as I have said, at Salem. He was full of sentiment, poetical, musical, and devoted to all high accomplishments. He was devoted to art, and was himself no mean artist. After a long and useful life, for a while in Salem and afterwards in Boston, he died in 1883. He was of the same type as Carl Schurz, Doctor Jacobi, and other famous German exiles for freedom, and had the same German culture of Goethe's day, a genial and estimable and highly accomplished gentleman, and left a delightful memory among the people of all classes without distinction of medical schools. His father had been, I believe, an intimate friend of Hahnemann, the famous founder of homœopathy, and he had been brought up as a follower of that leader. He had been educated at Jena and Leipsic, and, of course, was all ready for the practice of his profession when he arrived in America.

Mrs. de Gersdorff was a most devoted and always

anxious mother, and at the early age of fifty-five she fell a victim of her own solicitude. One of her sons had been operated upon at Saint Luke's Hospital, in New York, and she insisted, against the protest of her friends, in taking a room at the hospital to watch his recovery, where she took cold and died in a very few days of pneumonia. She had a splendid constitution and ought, like her mother, to have lived to a very ripe old age. She is still remembered by many surviving friends, to whom she had greatly endeared herself. She left two sons, who graduated at Harvard in 1887 and 1888, and who hold well-recognized positions in New York.

## V HARVARD COLLEGE

We were taught to look forward to graduation at Harvard as the only possible way of entering upon active life, and my first visit to that renowned seat of learning was at the commencement in 1846, when my oldest brother graduated, and I drove up with Thomas Drew, a famous caterer in Salem, who carried a wagon-load of table furniture and supplies for the simple spread of that day. In the church as the exercises proceeded I saw a distinguished-looking man on the front of the platform with a shiny, pointed, and very bald head, and when I asked who that was, it proved to be ex-President John Quincy Adams, who was the earliest President of the United States whom I ever saw, and as he had been the sixth President it seemed to carry us a very great way back.

My brother William and I were always together at school as long as I can remember, for some early illness had retarded his progress at the start, and we went up for our examinations at last in the summer of 1848, and now as I am writing all but five of those who had then graduated at that ancient university have passed away. The examinations for entrance at that date were not formidable, although they cov-

**DOCTOR GEORGE CHOATE—1796-1880.**

Father of J. H. C. This portrait was made when he was about sixty-six years old.







ered, I believe, a portion of two succeeding days, and were partly oral and partly in writing. At the close of the second day the list was read off of those who had successfully passed the examinations in the order of the marks they had received, and I was quite surprised to find my name led all the rest, but William, who was a far better scholar, soon took the lead and held it without any mishap for the whole four years' course.

The transition from the narrow and limited life of our boyhood to the broader and freer life at Harvard at the age of sixteen was quite a startling one. We were now comparatively our own masters, and, subject to the rules and requirements of the college, could do as we pleased, and our eyes opened wide to see what our new freedom really meant. The routine of our physical lives was new and most interesting. Athletics as yet were practically unknown, although there was, if I rightly recollect, a small gymnasium already upon the Delta, where those who wished could exercise every day, but if there was one thing that I hated then and always afterwards more than another it was practising in the gymnasium, and so I had little to do with that. Boston, four miles away, was the great attraction, with all its historical associations and places to visit. I do not recollect ever having been there more than twice or even outside the bounds of Essex County before I entered Harvard, and as there was no conveyance to Boston but the omnibus we almost always walked. Walking I have always found to be

very nearly the best exercise for health and recreation that anybody could take.

There had been, I believe, a boat club in existence in previous years, but as the members committed some excesses after rowing into Boston to the theatre the club was suppressed with a strong hand by President Everett, and was not renewed until Charles W. Eliot, of the class after mine, with his splendid physical vigor, succeeded in reviving it. Football was not unknown, but it was limited in our time to a single game on the first Monday of the year between the freshmen and sophomores, and consisted simply of seeing which could force the ball beyond the goal of the other side, without any of the modern devices or contrivances which have brought the game to such perfection under the leadership of Percy Haughton as trainer. There was an attempt, also, to introduce the game of cricket, which had had such distinction always in England, but this also came to nothing.

The walks to Boston and a daily walk to Mount Auburn, with an occasional excursion farther afield, sufficed to keep us in good condition. I took what I thought one very long walk in these excursions abroad. One hot summer night, near the close of the term, in early June, I was walking with my friend and classmate David Cheever, afterwards the celebrated surgeon in Boston, and we got out on the turnpike to a sign that said, "Cambridge two miles and a half; Concord twelve miles and a half," and in a rash moment I said to him: "Cheever, I will stump

you to walk to Concord." "All right," he said, and as it was my challenge I could not very well back out, and we walked on. We got up to Concord, having lost our way in going through Lexington, some time after midnight, I could not say exactly when, and being slightly fatigued we stopped at the hotel and asked for a glass of whiskey or brandy, but it was in the days of the Maine law, and the landlord said that it was an absolute impossibility, however we pressed our claim and told him that we had got to get back to the college for morning prayers at six o'clock. He finally yielded and said, "Come with me," and gave us a delightful illustration of how the Maine law was executed. He led us through a labyrinth of cellars, up against what appeared to be a blank wall, but he touched a spring and a door opened, and inside was found a barrel with a board across it, a pitcher of water, a bowl of sugar, and bottles of whiskey and brandy, and we took a very refreshing drink. After a tramp of somewhat over thirty miles, as we reckoned it, we got back to morning prayers just as the bell was ringing, and after that we got breakfast and slept for the rest of the day.

I always regretted that the Harvard Washington Corps, which had been in existence in my father's time in college and had given its members a good deal of military training, had long before been abandoned. How much better it would have been for us all if it had maintained its healthful and inspiring existence until now !

Our first year was the last year of the college commons, which down to that time had been maintaining a somewhat precarious existence, and at the end of our freshman year was abandoned forever. It was quite exciting, however, for us to find ourselves for the first time taking all our meals with a large number of our fellow collegians, although the fare was very moderate. The tables were spread in the basement of University Hall, the building in which at that time almost all the college exercises of every kind were conducted, for it held not only the dining-rooms but the chapel, and nearly all the recitation and lecture rooms. The commons were divided into two branches, one at what now seems the moderate price of two dollars and fifty cents a week, and the other, where we had meat one day and pudding the next, and which was, therefore, commonly called "Starvation Hollow," at two dollars a week, but my brother William and I and several of our classmates from Salem of equally moderate financial ability ate in "Starvation Hollow," and found it quite wholesome and sufficient.

The necessary expenses in our first year were moderate enough to startle any modern members of the university as compared with the present schedule. The tuition was seventy-five dollars a year, and all it cost William and myself, who always roomed together, for room rent during our whole four years at Harvard was ninety dollars, which happened in this way. The first year we roomed in Holworthy, and

our apartment seemed to us to be royal, for there was a parlor, very simply but comfortably furnished, of course at our expense, and two bedrooms, and the only service we had or thought of was that of the "goody," so-called, who came every day to make the beds and clear up the rooms. The freshman year we were what was called "Tutor's Freshmen," that is to say, Francis J. Child, that famous scholar, who had just returned from abroad and had been made tutor in English, was the parietal officer in the middle entry of Holworthy, and had the best room on the second floor, and we were his freshmen and subject to his call at any time, but the only call that I can remember during that year that he made upon us was a single summons to a student to whom he wished to administer admonition, and for this service we had our rooms free.

The next year we roomed in Hollis, where we had a single room together, of reasonably large dimensions. The third year in Stoughton, where we were similarly accommodated, and the fourth year as seniors again we got into the third story of Holworthy in the east entry, and paid for each of these years the same rent of thirty dollars, fifteen dollars apiece, rooms that I think now rent for many times that amount. But the college then was not so much in need of money, and treated the rooms in the various dormitories, as they had been intended to be treated by their munificent donors fifty or one hundred years before, as the practically free homes of

the students whom they housed. To maintain a fair equity the dean or steward, who had the distribution of the rooms from year to year, assigned those who had the poor rooms, as we had had in the junior and sophomore years, to the better rooms in the senior year, thus bringing us back to Holworthy.

Our dress did not differ substantially from what we had been accustomed to, except that by the college statute, which had been in existence probably from the beginning, each student was required to have for Sundays and exhibitions "a black coat with buttons of the same."

Our first president, who signed our *admittatur* after six months probation, as the rule then was, was no less a person than the very distinguished orator and statesman Edward Everett, who as a scholar also had had a very remarkable career. I do not agree with those who seek from time to time to belittle this great and distinguished man. He had entered Harvard, I believe, at the age of thirteen, graduated at seventeen at the head of his class, had been pastor of the Brattle Street church at Boston at the age of nineteen, had followed that up with deep study abroad for several years, and then became in turn tutor and professor at the college, and had been a member of Congress, senator, secretary of state of the United States, United States minister to Great Britain, and governor of Massachusetts, and was one of the best-informed scholars of his time and the great orator of the day. Somehow or other, with all

that, he was not well suited to be president of the university, and only held the office for three years, retiring on the 1st of February, 1849, when he was succeeded by the Reverend Jared Sparks, author of the "Life of Washington," who held the office for four years. In the latter part of his time he became disabled, and the office was filled by that great man, the Reverend Doctor James Walker, so that our college papers were signed by three successive presidents.

I always regarded Jared Sparks as the model president of the college of that day, and his three years were truly a halcyon period for the students. He took no trouble about them himself, and did not allow anybody else to trouble them, and when complaint was made of misconduct his usual mode of treating it was to say: "Oh, let the boys alone. They'll take perfectly good care of themselves." And so it proved; but I suppose that according to the standard of an Eliot or a Lowell, especially in later years, the brief terms of Everett and Sparks would be regarded as singularly inefficient.

Mr. Everett was noted for his extreme formality and the great dignity which he maintained, far out of the reach of the students. I had hardly been at college a week when I was greatly alarmed at receiving a summons to come to the office of the president's secretary. I went at the time appointed with fear and trembling, fear that I had committed some unpardonable offense, and trembling lest I should be

dismissed, and this conversation took place: "Mr. Choate, the president observed with great regret that you passed him in Harvard Square yesterday without touching your hat. He hopes that this offense will never again be repeated." It never was, but no punishment was inflicted, because down at Salem hat-touching was not very common and the formalities of life were not very strictly observed; but it is an illustration of his relation to the students, very different from that of Jared Sparks, who was always very glad to see us and never put himself out of the way to trouble us, or that of President Eliot in later years, who stalked through the College Yard without taking notice of anybody, and apparently hoping that nobody would take notice of him, and really a stranger to most of the students.

There were several great public events that happened while I was in college: the arrival of Professor Louis Agassiz, the renowned naturalist, and his employment as professor and lecturer in the college; the introduction of Cochituate water into Boston; the arrival of Louis Kossuth, and the election of Taylor and Fillmore as President and Vice-President of the United States. At any rate they were regarded by us students as very great events, because we had never been witnesses of anything so important before.

I have always believed that the accession of every man of great genius to the teaching force of the university is the most important thing that can happen

to it, and that by the prestige of his great name and reputation he does more for the college than almost anything else can do. Exchange professors had not been thought of at that time, and to get the man who was certainly one of the most noted naturalists in the world into our academic body was of truly unique importance. We listened to Agassiz's lectures with the profoundest attention, and he did much to expand our minds and thoughts.

How the people of Boston with its then rapid growth ever got along without pure water it is not easy to conceive, and it is no wonder that all the civic bodies in and around Boston took part in the celebration. I remember that the whole student body joined in the great procession, which marched through Boston, to celebrate the event of the introduction of Cochituate water, and as I was made marshal of my class with Russell Sturgis I naturally attributed tenfold consequence to the occasion. As Boston has grown its water-supply that then began has grown steadily with it, and now comes from many sources and reservoirs that decorate a large tract of country to the west.

The election of Taylor was one of the immediate results of the Mexican War, in which he had won great distinction, but he was probably as unfitted for the presidency as General Harrison, whom I had assisted in electing as a boy of eight in 1840. His nomination had been declared by Mr. Webster, who should have had it, as one not fit to be made, but

as he advised his friends, nevertheless, to vote for Taylor as a safer alternative than the Democratic candidate, we all joined in celebrating the prospect of his election. I remember marching in a torch-light procession the whole length of Boston to the Roxbury line, where, seeing a vacant lot, I made haste to throw my torch into it and returned to Cambridge quite satisfied with my part.

Then in the midst of my college career came the great compromises of 1850, sustained by Webster, Clay, and Calhoun, which we foolishly thought had settled the slavery question forever, although within four years they were ripped to pieces, and the great events that followed led rapidly to the election of Lincoln. The utter collapse of these compromises so quickly after they were made, although they were thought at that time to be of the greatest historical importance, shows how unreliable is the judgment of old leaders, who have outlived their best powers and have no appreciation of the direction which the nation's progress is taking. Clay and Calhoun both went to their graves in 1850, and Webster followed them two years afterwards, on the 24th of October, 1852.

The reaction of public opinion was instantaneous and almost universal. The great New England statesman's 7th of March speech, in which he took the ground that it was not necessary to re-enact the prohibition of slavery in regions from which, as he contended, the laws of nature and of climate had

made its existence impracticable, was a great disappointment to the mass of the people at the North and was construed by them as a bid for the presidency in the next federal election, and as an abandonment of the splendid position that he had previously occupied as the representative of New England sentiment and a lifelong advocate of the restriction of slavery, so far as the Constitution would permit. The doors of Faneuil Hall, that historic cradle of liberty, were closed against his friends, who wished to do him honor by a reception there, a very stupid blunder, for they took to the streets and, erecting a great platform in front of the Revere House, they received him on his return from Washington with unbounded enthusiasm and applause. I was present on that occasion, for I had no sympathy with those who would denounce and destroy him after his wonderful record in the past, and it was a great satisfaction to hear the brief address of welcome, which was pronounced by Judge Benjamin R. Curtis, and Webster's reply. He was still a magnificent specimen of manhood and a noble orator, and as we listened to him we could not but think of the immense services which he had rendered to the country; especially how for two entire generations he had done all that one man could possibly do to arouse in the hearts of the young men of the nation an intense spirit of nationality and an undying devotion to the great cause of liberty and union. This service did not and could not die with him and

counted largely, ten years afterwards, in the grand uprising of the North for the defense of the national existence and honor when the rebel assault upon Fort Sumter gave the signal for the opening of our terrible Civil War.

The other event to which I have referred, the arrival of Louis Kossuth, in 1849, was an event of surpassing interest to all the people of America. We had sympathized with the splendid struggle for freedom which he had so valiantly maintained, just as we are sympathizing to-day with the great struggle of the Entente nations for the overthrow of the same destructive militarism which succeeded then in crushing this great champion of freedom, just as it is now seeking, but without success, to dominate the entire world.

I remember that we were having one of our semi-annual exhibitions, as they were called, in the chapel, in University Hall, on the day when Kossuth arrived in Cambridge at the invitation of the authorities of the university. These college exhibitions usually consisted of addresses or the recitation of parts, by meritorious students, and took place semi-annually as rewards of merit. I happened to be upon the programme but had finished my part when Kossuth arrived and was ushered into the chapel by a committee of citizens, and delivered an address in as perfect English as I have ever heard from any English or American orator. As he had acquired this knowledge of our tongue while a prisoner in an Aus-

MRS. GEORGE CHOATE.

Born at Salem, 1805; died at Stockbridge, Mass., 1887. Mother of J. H. C. Margaret Manning Hodges, daughter of Gamaliel and Sarah Williams Hodges, married Doctor Choate in 1825. Their married life lasted fifty-six years and a half, and they had four sons and two daughters. J. H. C. was the fifth child.







trian dungeon, after the collapse of his great enterprise, we were lost in wonder at the readiness of the faculty by which he had acquired such complete knowledge of a new language.

I have seen it several times repeated that on his sudden advent into the chapel I was delivering my part, and that having been brushed aside by his entry, I in some way addressed him after his speech with a tribute of admiration. It was only yesterday (November 27th, 1916) that I read in the personal recollections just published by one of my contemporaries at Harvard, this extraordinary statement, that during the interruption caused by his entrance and address, I "seated on the stage formed a Latin period containing a graceful reference to the guest's career, and on arising to resume my part, opened with the extemporaneous compliment in Latin, which brought the Magyar orator again to his feet and, amidst a new explosion of applause, Kossuth replied in faultless Latin, speaking as though it were his native tongue. Nothing could have been finer." This was a pure outbreak of my friend's imagination. I had absolutely nothing to do with it, for Addison Brown, who afterwards was our much-admired admiralty judge in New York for twenty-five years, was on the platform when Kossuth entered, and no address or reference to him was made, as the programme proceeded, except a few words of reception by the president of the university, but it only shows how dangerous it is for men in the ninth decade to write

and publish reminiscences, which, up to this time, I have always tried to avoid.

Harvard College at the time I entered it was a comparatively small affair, and as provincial and local as could well be imagined, and the idea of its ever becoming the great national university had, I think, never entered into anybody's head. The students in my first year numbered only 549, including all the professional schools, there being theological students, 19; law students, 96; medical students, 139; special students in chemistry and mathematics, and citizens attending lectures in scientific school, 16; and resident graduates, 6, amounting together to 276; and the undergraduates being divided between seniors, 75; juniors, 58; sophomores, 68; and freshmen, 72, amounting in all to 273; the whole comparing strangely with modern years, when a single graduating class has numbered over 500, or nearly twice as many as the entire body of undergraduates at that early period, and the growth of the professional and graduate departments has increased proportionally.

My own class and all the classes of that time were composed chiefly of New England boys, a very few coming from New York, and about an equal number from the South, whose people of wealth had long been in the habit of sending their boys to Harvard. I call it provincial and local because its scope and outlook hardly extended beyond the boundaries of New England. Besides which it was very denomina-

tional, being held exclusively in the hands of Unitarians. The president and all the fellows constituting the corporation were Unitarians, a majority of the overseers were Unitarians, and I think that a majority of the officers of instruction and government were of the same faith. This caused it to be looked upon askance by the rest of the United States, where that faith had not extended far, and they hesitated to send their sons to Harvard for fear of what they called its heretical tendencies. It is true that at that time the people of Massachusetts were largely of that faith, and the clergy of that body in that commonwealth far exceeded in intellectual and personal force those of all the other denominations. There was a freshman, when I was a senior, who was destined to exercise tremendous influence in breaking down these narrow barriers and vastly broadening the character and the influence of the college. I mean Bishop Phillips Brooks, of the class of '55, whom I remember perfectly well as a freshman, a tall and slender stripling overtopping the rest of his class, in a distant corner of the chapel, and I followed his course with admiration and enthusiasm until, with other men of similar liberal tendencies, he had made the college entirely undenominational and opened its doors, its curriculum, and its associations very wide, so as to admit men of all faiths, and of no faith, and men of all nations to be enrolled in the undergraduate classes. We had compulsory college prayers, held at the unearthly hours of seven o'clock

in the morning in winter, and six in the summer, and the rush from our beds at the sound of the bell to the chapel was most unseemly, but Phillips Brooks lived to be the instrument of removing all compulsion, and made the college in a religious point of view absolutely free. Instead of being limited to Unitarian preachers at prayers and on Sundays, it now has a body of religious teachers gathered from all sects and faiths, and various parts of the country, and commands for the service the greatest ability to be found in all, and the annual catalogue now contains the names of boys of all countries and all religions, Christians and Jews, Asiatics, Europeans, South Americans, and those who have had their birth in the islands of the sea, and already it has contributed much by the education of Japanese and Chinese to the modernization of those ancient lands. The suggestion of such a result in my time would have been received as an absolute impossibility.

Many experiments have been made and much improvement, undoubtedly, has been accomplished in the last seventy years in methods of education, but after all I am inclined to the belief that these varying methods have resulted chiefly in the better development of the youth of inferior and average capacity and ability, and that under them all the men of natural superiority of talents and faculty, determined to get an education and relying chiefly upon their own efforts for this, have risen naturally to the top, and subsequently taken their lead in the life of

their time. That is to say, take the ten classes from 1846 to 1856, and they can furnish, as the catalogue shows, a group of men educated at Harvard who can compare favorably with the best men of any subsequent decade in the history of the university. Let me mention a few in this older decade for whom I would challenge comparison with any similar number in any later period. There were Professors Francis James Child, George Martin Lane, and Charles Eliot Norton, and Senator George Frisbie Hoar, of the class of '46; William C. Endicott, of '47; Professor Cook, the great chemist, and Dean Hoffman, of '48; my brother, Charles Francis Choate, first scholar in the class of '49, and his classmate, Horace Davis, president of the University of California; James C. Carter, Thomas Jefferson Coolidge, and John Noble, in the class of '50; Professors Dunbar, Goodwin, and Langdell, of '51; my brother, William Gardner Choate, first scholar in the class of '52, and his classmates Judge Addison Brown, Doctor David Williams Cheever, Professor Gurney, dean and fellow of the university; Professors James Bradley Thayer and William Robert Ware; Charles William Eliot, and Professors Adams Sherman Hill, James Mills Peirce, and Justin Winsor, of the class of '53; Horace Howard Furness, of the class of '54; Theodore Lyman and Chief Justice James Tyndale Mitchell, of the class of '55; and Charles Francis Adams, Governor George D. Robinson, and Judge Jeremiah Smith, of the class of '56. Take these men as examples, and where in

any subsequent decade can you find an equal number to excel them, or perhaps to match with them as the fruit of varying systems of training and education, allowing always for the immense growth in the numbers of the classes from which selection might be made ?

There was one immense advantage which the boys of our time at Harvard enjoyed over those of recent years, the classes were so small in number that we became intimately acquainted with each other, much more intimately than at any subsequent period of life with any similar number of acquaintances, understood one another's character perfectly, and formed the closest ties of friendship and a strong class-feeling that continued unbroken through life; while now, as I understand, where the classes are numbered by hundreds, no such state of things is possible, and very few members of any class know in a similar way the whole or even half of their associates. Groups and cliques of friends are formed, but there is no genuine class-feeling in which all unite as in the old days. I think, too, that there was then no such distance between the professors and the students as now prevails. We came to know them well, and it was quite possible for any professor or tutor to become acquainted with and to become familiar with the mental and moral qualities of the members of each division of the class, for in almost all the courses the class was divided alphabetically into two divisions.

No friendships of after-life begin to equal in ardor

and intensity those of college days, and no names ever become so familiar as those of the associates of that early period of life. I have in my bedroom the photographs of eighty-five of our members, all but three of the entire number, in all the beauty and freshness of youth, just as they appeared on Commencement Day in 1852, when we graduated and parted, never to meet again in full ranks. The costumes of that day seem a little peculiar now, for we all wore long hair and high collars and huge neck-handkerchiefs, which long since passed out of fashion. I often put myself to sleep by calling the roll of my classmates, whose names are as familiar now as then.

In our freshman year all the studies were required, consisting chiefly of Latin, Greek, and mathematics, which I still regard as of extremely great value in the training of youthful minds. Our study of the languages was in the main limited to the correct construction of the Greek and the Latin, so as to get the correct and full meaning out of every sentence, and to do that necessarily required great concentration and accuracy and perseverance, traits of enormous value in any subsequent pursuits, and without which any real success in them is hardly possible, but we were sadly lacking in any intelligent study of the glorious history and literature of Greece and Rome, which would have made our studies so much more delightful. Afterwards, with increasing freedom from year to year, our programme of studies was made more and more liberal, and the elective

system began to show its effect, although not nearly so much as in later years, for still many subjects were required. A diligent student was kept pretty busy, for I see by the tabular view of our exercises during the year 1851-52 that our recitations began at eight in the morning and continued with more or less interruptions until six at night, and the hour of morning prayers was at seven o'clock from September to April, and at six o'clock from the first Monday in April until Commencement; breakfast was immediately after morning prayers, and dinner at one o'clock throughout the year.

I chose for my special studies Latin and Greek throughout my college course, and never had occasion to regret it, for the same mental exercises that required perfection in those subjects stood me well in hand all through the rest of my life in solving problems of law and diplomacy, or anything else that I had to work upon. I also found that committing to memory, although never required, was of infinite value as a mental discipline, and have always wondered why it has not been more generally kept up. When I graduated I could repeat from memory the whole of the first book of Milton's "Paradise Lost," and many other valuable gems of English literature, and I wish that I had continued it until the present day, for I am sure that such a habit continued through a long life would keep the mind well stored with the most precious passages of English literature of all times and of every variety, and would be an infinite

solace and satisfaction. But I gave up the habit when I left college and became busy in what seemed at that time to be more important matters, and while much that I then learned in that way still lingers in my memory, the most of it has vanished, so that except for the few opening sentences of "Paradise Lost" the only sentence that I can now recall is the one that I found it most difficult to commit to memory and fix in the gray matter of the brain, and which when once lodged there has never escaped:

"From Aroer to Nebo, and the wild  
Of southmost Abarim; in Hesebon  
And Horonaim, Seons Realm, beyond  
The flowry Dale of Sibma, clad with vines.  
And Eleale to the Asphaltic Pool."

I am sorry to say that until Mr. Lane returned from abroad to become tutor in Latin we had no first-class teaching in either that or Greek. Too much of our work was routine work, studying the texts of prescribed volumes and reciting by rote, and lectures at first were very scarce, indeed. I remember in our freshman year only one course of three lectures by Professor John Ware, on the "Means of Preserving Health," which were very wise and very good; but as we progressed in later years we had better luck, and by the time we came to be juniors and seniors it was our great good fortune to be able to listen to lectures from Professor Channing on rhetoric, Longfellow on modern literature, Lover-

ing on electricity, Gray on botany, and, above all, the great Agassiz on geology. From all these we really felt that we were learning a great deal, but the most unique, critical, and delightful of all the professors of our time was Professor Edward Tyler Channing, who was Boylston Professor of Rhetoric and Oratory from 1819 to 1851, a period of thirty-two years, during which, as I believe, he did more to form what I may call the Harvard style of speech and writing than any other individual influence. One of the greatest joys of life was to attend his hours, when our themes and forensics, for which he had given us subjects two weeks before, were before him for examination and criticism. He was a deadly foe of all splurging and extravagance of expression, and to all obscurity of language, and his criticisms were as piercing and caustic as they were delightful. Pruning and weeding out and sarcastic elimination were his great weapons, and if the Harvard men of that time were, as I think they were generally, given to clearness, force, and earnestness, he is very chiefly entitled to the credit of it all.

Our examinations did not amount to much, and I think never did until long after we left college. We were pretty carefully examined on entering to test our qualifications for admission, but never after that, that I can recall, were we subjected to any serious examination or to any written examinations at all. Every year the corporation appointed a board of examiners in each of the subjects into which our cur-

riculum was divided. They were gentlemen of distinction from various parts of the State of Massachusetts, and I think none from any other part of the country. They were not specially versed, as a rule, in the subjects on which they were appointed examiners. On the day appointed for examination some of them would appear in each department and have seats assigned them on the platform, and sit in silence while the professor or instructor examined us on something that we had recently learned. I do not remember any one of them ever asking any question, and, of course, it was not difficult to receive their approval and even commendation, and it never required any examination to get out of college. Everything went by marks in those days, the accumulation of marks through the four years (eight, I believe) being the highest mark, and from there graded down to zero. It was well said in one of our mock parts that the Gospel of Mark was the guide to the scholar, and the declaration of Tom Whitridge, of the class of '18, of which my father was a member, that if it had taken as severe an examination to get out of college as it had to get in, he would have laid his bones there, continued traditional and true down to our time.

We got absolutely nothing from the morning and evening prayers. They served merely as contrivances for getting the boys out of bed in the morning and preventing their leaving the college before night. The prayer-makers did not seem to take much more

interest in them than the boys themselves, although it was sometimes difficult for them to stop when they got under way, and the story went that at one of the morning prayers the minister delivered himself in this way: "O Lord, we pray thee to make the intemperate temperate, the insincere sincere, and the industrious 'dustrious.'" So when Phillips Brooks arose in his might and insisted upon abolishing all requirements, it must have been a great relief to the college, and a blessing to all who afterwards cared to attend, as they did in great numbers.

On the whole, my four years at Harvard, from 1848 to 1852, were the best and happiest period of my life, as I believe that they were of most of the boys. We were blessed with all the spirits of youth, with no responsibilities, no cares, and with only the inspiration of our individual ambition. Upon the whole, Harvard College, with its delightful memories and associations, its lofty and well-maintained standards, and its ever-growing greatness and power, has been the best and most wholesome influence upon my life, from the day of graduation, when I was one of the youngest of her children, until to-day, when I stand upon the catalogue Number 14 among her 14,000 surviving graduates, and to receive the approval of Harvard men throughout the world has always been a sufficient satisfaction and reward.

JOSEPH HODGES CHOATE AT THE AGE OF TWENTY.

This picture was taken with his class at graduation in 1852. The original daguerreotype is in the Harvard Library at Cambridge.







## VI

### TRAINING FOR THE BAR

The Law School, when I entered it in 1852, was, like each of the other departments of the university, a comparatively small affair. In our entering class there were only forty-seven, and the other two classes were of smaller numbers. What there was of teaching was done by two professors, and a university lecturer, Judge Joel Parker, who had been chief justice of New Hampshire, and Theophilus Parsons, who had been a very successful lawyer in Boston, and was the son of the chief justice of Massachusetts of the same name. Judge Parker, the Royal Professor of Law, was an exceedingly profound and learned lawyer. He was so erudite and profound that we of the lighter minds really could not successfully follow the action of his, although men of sterner faculties, like Carter and Langdell and my two brothers, got very much out of him; but to me the great light of the Law School, while I was there, was Professor Parsons, a lawyer of much smaller caliber and lighter vein, but who, having had great experience at the bar, had a delightful way of giving us the general principles of law in a manner that made a lasting impression upon our minds, and gave me many points that I remembered and made use of in all my subse-

quent career at the bar. The university lecturer, Judge Loring, probate judge in Boston, came out for three or four lectures a week on such subjects as did not come within the programme of the two professors. The only course of his that I can remember attending was on the domestic relations, and I can only recall that he was an exceedingly conservative man, and a good deal behind the age, even for that time. The gist of his discourse upon the marital relations may be judged from the fact of his saying repeatedly the stereotype utterance: "The husband and wife are one, and that one is the husband." The standard at the school was very low at that time. There were absolutely no examinations to get in, or to proceed, or to get out. All that was required was the lapse of time, two years, and the payment of the fees, and not to have got into any disgrace while in the school. With that we were sure of the degree of Bachelor of Laws at the end of the second year. I see that there was a Committee on Visiting the Law School, consisting of very eminent lawyers and judges, all of Massachusetts, but I do not recall their ever visiting the school, individually or collectively, or exercising any of the powers of examiners. Our right to the degree consisted in having attended more or less of the lectures and paid our fees, as I have said.

Nevertheless, we did learn a great deal of law. The library for the time was exceedingly good, and we formed among ourselves law clubs, in which moot courts were held, and cases tried and argued, and

briefs prepared and submitted, the elder members acting as judges, and once, at the end of the year, there was a mock trial in which members of the junior class of the college were impanelled as jurors, and members of the graduating class, selected for the purpose, tried the case before them. And what was more, Boston was very near, where the courts were constantly in session, and to which we resorted freely for instruction and entertainment.

It was while at the Law School that I formed a more intimate acquaintance with Mr. Rufus Choate, then at the head of the profession in Massachusetts, and, I should say, in the whole country, and became very much interested in his personality and in his methods. It is needless to say that he was a wonderful orator, but besides that he was one of the most fascinating personalities that I had ever known. To hear him in court or on the platform, or in private conversation was a very great treat, and he was one of the most affectionate and warm-hearted of men. In my last year in the Law School he invited me to go with him on a journey to the White Mountains, and, of course, I eagerly accepted the rare opportunity, and in those three days I learned how fast he was using up his life and his powers. We started from his house in Boston very early on Thursday morning, and got back there very late on Saturday night. We seemed to be going at full speed all the time. The railroads at that date had not opened all the way to the Crawford House, or from there through

the mountains, but we took special wagons from the railroad terminus and went at the best speed that could be made, although he seemed to be very much afraid of horses. I remember that when we got to the Crawford House, late at night, it was very cold (and he was always oppressed by the cold), but when we entered the door of the hotel and saw a grand fire of great logs burning in the fireplace, he warmed up at once, and turning to me he said: "Do you remember that grand verse in Isaiah: 'Aha, I am warm, I have seen the fire'?" The mere sight of the blazing logs seemed to penetrate his body at once. Even for that short journey he carried a trunkful of books, as it seemed to me, in Greek, Latin, and English, and although there was not much time to read as we travelled, I have an impression that he overhauled them during the night and made much use of them. His conversation at all times was most edifying and enjoyable, full of references to delightful things that he had read in books, and lighted up by genuine wit and humor, but he really made a labor of the journey in endeavoring to cover such considerable distances, and to crowd into three days what might well have taken as many weeks in that era that knew nothing of rapid transit. When we reached Boston and got back to his house he said to me: "Now, that is my vacation for this year." It was at this rate that he had worked from the time he left the United States Senate in 1845, and that he continued to work to his untimely end in 1859, when he was a little short of

sixty. He ought to have lived to a serene old age, but he literally crowded into his sixty years the work of, at least, eighty, winning great renown, giving vast delight to the men and women of his own time, and leaving such an impress upon the age that succeeded him that, as Mr. Dana well said, the lawyers of America, when they met for mutual conversation and entertainment, found that they could do better by reminiscences of Rufus Choate than by anything that they could themselves present.

It was during my time in college and at the Law School that the trial of the famous fugitive slave cases took place in Boston, upon which the eager attention of the whole nation was turned. The general feeling of the collegians and the members of the Law School tended to be very conservative, for we had been brought up, you may say, at the feet of Daniel Webster, who was chiefly responsible for the compromise measures of 1850, including the fugitive slave law, which professed to be properly devised to carry out the provisions of the Constitution of the United States, requiring the return from one State to another of persons held to service or labor. I do not think that, with the exception of the extreme abolitionists, such as William Lloyd Garrison and Wendell Phillips, there was much dispute as to the necessity of a proper law for that purpose, if we intended to stand by the Constitution, but there was great ground for contention on the subject of the method of bringing about the return of fugitive slaves. All that the

Constitution said was that they should be delivered up, and it was well maintained by the opponents of the law of 1850 that that did not dispense with the usual safeguards and guarantees of personal freedom, and that, instead of being tried before a single commissioner, the fugitives were entitled to a trial by jury, as I think they certainly were. But the statute had made no such provision, and so a small number of fugitives were surrendered and carried back by force to their original masters in the South. These few in number, however, had a very great effect in arousing the popular indignation, and were a very important factor in bringing about in a few years the overthrow of the whole system of slavery under the wise administration of Lincoln.

During my two years at the Law School I earned, for the first time, my own living by preparing boys for entrance to Harvard, which consumed about two hours of each day, and in which I found great benefit in reviving and keeping alive my knowledge of the classics, and I discovered that in teaching one learned more than he knew before.

After leaving the Law School, as a third year was required and an examination before admission to the bar, I was privileged to enter the office of Hedges and Saltonstall, in Boston, and spent a year at my father's home at Salem, going up every day for the purpose by train. Business was not then so driving among lawyers as it afterwards became, and a very considerable portion of my time during that year was spent

in attending the courts, where I learned more than I had learned anywhere else as to the trial and argument of cases. There was almost always during the greater part of the year some important trial going on, and in this trial two or three leaders were always engaged. These were Rufus Choate, Sidney Bartlett, and Charles G. Loring. It is needless to say that the trials in the Supreme Court were conducted with the greatest dignity and decorum, and nothing could be more instructive to a student of the law than to sit in the presence of such a tribunal and listen to the trial and argument of cases by three such eminent men. They were nearly the same age, but their styles were very different.

Mr. Choate's exuberant eloquence, with a mind richly stored with a vast wealth of reading and knowledge, and an unbounded human sympathy, made him, I think, the greatest advocate that America has ever known. In the argument of questions of law he was a very close reasoner, with a rich gift of illustration, so that it was almost impossible for him to lose a case that could by any possibility have been won; but it was his fascinating personality that carried all before him with the jury. He never overlooked a fact or an incident that could by any possibility aid his side of the case, and would form a theory upon the facts presented which would commend itself to his conscience and judgment, and win, if it was possible to win, the approval of the jury. His patience, tenacity of purpose, and exceeding good

humor would carry the day over any ordinary adversary. He would not only address the jury as a whole body, but would fasten upon each individual jurymen in turn, of whose sympathy he was not already sure, and stick to him until he had mastered him, so that I have no doubt he occasionally won a verdict which any other man would have lost, and which, perhaps, he ought to have lost, although from a long experience in jury trials I am satisfied that in nine cases out of ten the jury decide right upon the evidence, whoever tries the case.

Mr. Bartlett was as unlike Mr. Choate as one man could possibly differ from another. Cold and sharp, and glittering as steel, he would push aside all that the fancy and imagination of his adversary had brought into the case, and hold the courts to the main point, and the jury to one or two cardinal facts, which would compel them, if the case made it possible, to find a verdict for his side. He was very learned, too, but had never, I believe, been such a student as his more celebrated adversary, and he had the rare advantage (I say rare to a great lawyer) of extraordinary business experience and faculties, and an extreme common sense, which, after all, is the thing which ought to govern both courts and juries. With a vast business always on hand, he never wore himself out by travelling on his nerves, to die at fifty-nine, as his chief opponent did, but lived a long, useful, and happy life in the very front rank of the profession, and after arguing an important case in the

RUFUS CHOATE.

Born at Hog Island, 1799; died at Halifax, 1859. First cousin of Doctor George Choate. This was J. H. C.'s favorite portrait of his distinguished kinsman, and always hung in his own room over his bed. He had a great admiration and affection for Rufus Choate, and always felt deeply grateful to him for his early kindnesses.







Supreme Court at Washington at the age of ninety, went home and died of old age.

Mr. Loring was wholly unlike either of the other two great protagonists at the Boston bar. He commanded the confidence of the whole community by his great weight of character. He, also, had great business ability and experience, and was always master of his case, so that when he spoke to court or juries they not only believed every word he said, but received it with open minds, ready to be convinced. There was never any nonsense about him. Indeed, there was a total want of the sense of humor, and he proved always to be a most formidable antagonist.

No theatre that I have ever attended offered so great an intellectual treat as to sit at the feet of these three great masters of the law, and listen to them from beginning to end of a great argument or trial. It is a wonderful thing for a law school to be in close proximity to a great city, where the students can see and hear justice administered according to the highest and best standards, in courts presided over by learned judges, appointed for life by the chief executive, as up to this day has been the case in Massachusetts, and has secured for the people of that State, at any rate, a government of laws and not of men.

The office of Hodges and Saltonstall, in which I spent a year from October, 1854, to October, 1855, was a most agreeable one. Mr. Hodges was highly

skilled in all the departments of the law, but was at that time somewhat out of health, so that we did not see him constantly, but Leverett Saltonstall was one of the most charming, honorable, and high-toned men that I have ever known. He was justly proud of his most distinguished ancestry, running far back to colonial days, and first represented on the Harvard College catalogue by Doctor Henry Saltonstall in the first class of 1642, who received his medical degree at Padua in 1649, and became a Fellow of New College, Oxford, in 1650. He was of a high-strung and nervous temperament, which made the trial of causes (in which, if he had continued in them, he would have had great success) a very severe strain upon him, although then he was very young at the bar, but it was a great privilege to be associated and in daily contact with him, and I have always looked back upon that year's experience with him with the greatest satisfaction.

It was while with him that I had my first case and earned my first fee, which has always afforded me great pleasure to recall. We were sitting in the office together, one cold winter's day, when two rugged farmers from Vermont came in with a case, which they briefly stated to Saltonstall. They had each had a carload of potatoes come down by railroad from Vermont, and they were found to be completely frozen on arrival, and the farmers had brought an action against the railroad company for the value of the potatoes so destroyed. The question was

whether it was by the act of God or by the negligence of the railroad company that they had been frozen. Certainly the act of God was the immediate cause in creating or permitting the extreme frost, but behind that was the negligence of the railroad company, which should have protected the potatoes more perfectly. It was rather a small affair, and Mr. Saltonstall hardly thought the case was up to his personal position and rank at the bar, but he turned them over to me, saying: "Here is Choate. Perhaps he will take it." As I had never had a case I was very glad to do so. It seemed that the evidence was to be taken before a commissioner in Boston on the second day after, which would give an intervening day for preparation, and I very gladly undertook the job. It so happened that Mr. Rufus Choate at that time was laid up with a lame knee, but was driving out every day, and on the following day he happened to call at the office for me to drive with him through Brookline, and so we spent an hour together and I told him about my first case. He was very much delighted at the idea, and gave me quite a lot of advice about cross-examination of witnesses, in which he was a wonderful adept, so that I went the next day with the two farmers before the commissioner and spent the whole day in taking the evidence, which I thought would enable them to establish successfully the proposition before a country jury, at any rate, that the loss of the potatoes was wholly due to the negligence of the railroad company, and

that the act of God had nothing to do with it. On our return to the office the farmers raised the question of my fee—what it would be. Well, I had never had a fee, and I had no means of ascertaining the value of my services, which I thought were considerable, and I said to them: "Well, it has taken all day. It seems to be a matter of some importance to you. I wish to be entirely reasonable, and I should think that three dollars would be about right."

"Well," they said, "we talked that matter over on the way down from Vermont, and we kinder thought that there were two cases, two carloads of potatoes, and that a dollar a case, a dollar a load, would be about right." Not wishing to have a contest over my first fee, I gladly accepted it, and they handed me two of the little gold dollars that were current at that time. One of them I gave to my friend and classmate, Darwin Erastus Ware, who, like myself, had never had a fee, and I must have spent the other, but the romance of it was that forty-five years afterwards, after Ware had died, his widow, looking over his papers, found something wrapped up in paper, and marked on the outside, "Half of Joe Choate's first fee," which she very kindly sent to my daughter, who has since worn it as a charm upon her watch-guard. But this, my first experience in fees, taught me to be forever after very moderate in all that matter.

After going through with the usual examination

for admission I was enrolled in the Massachusetts bar in October, 1855, and although I have never practised in that State, I have always regarded it as a great privilege from that day to this to have been a member of the Massachusetts bar.

Having got ready for the practice of my profession and, as I supposed, being qualified to undertake any service in it, however intricate and difficult—a young lawyer is never so good as those just admitted to the bar imagine themselves to be—William and I concluded that before determining where to settle we should make a tour of the Western country to see what the prospects of young professional men were in the various cities of the West. The extreme West then occupied, was bounded by the Mississippi River, for when we got to Davenport, in Iowa, the railroad went no farther; but Cook and Sargent, the bankers there to whom we had letters, kindly said that they were building a new road beyond the river, which already had reached Cedar Rapids, and they were running construction trains on it, and that they would give us a ride on one of these so that we could say that we had reached the farthest possible point West, which we gladly accepted. We did visit many of the principal cities, but to our primitive minds, accustomed only to the comparatively finished East, everything seemed very crude and rough, and we found that either we were not ready for the West, or the West was not ready for us, although I am satisfied that, if we had concluded to remain any-

where in that region, we should have soon got used to it, and growing up with some young community would have attained similar positions to those which we afterwards reached nearer home.

Chicago, I remember, seemed to us to be a very unsatisfactory place. It had ceased to be the "dirty little dog-hole," which Judge Parker had described it to us at the Law School to have been, when he first reached it some twenty or thirty years before. It had all the appearance of a great city yet to be, but it was still in its infancy. I remember that the sidewalks were of plank, and sometimes as we walked upon them the muddy water spurted up between the planks.

We were not attracted by the methods of the courts and bar in the cities which we visited. At one then frontier town we heard that the supreme court was in session, and, as our wont was, made haste to visit it. The administration of justice seemed to be going on all right. The jury were in their places, the witness on the stand was being examined or cross-examined by the lawyer, and the bar was reasonably full with something of an audience on the outer circle of the court-room, but there did not appear to be any judge. A close inspection, however, soon revealed the soles of a pair of slippers on the bench, and the judge was reclining behind them, doubtless taking in all the evidence and conducting the case with the same authority, but with much less dignity than we had been accustomed to see in the courts

of Massachusetts, especially in Boston; and so we very easily made up our minds to seek our fortunes nearer home, William, who was much more of a home-body than I, to return to Salem.

## VII

### EARLY DAYS IN NEW YORK

I had long been fascinated with the idea of life in New York, and was convinced that the biggest place offered the best possible chance for a young lawyer. I had been there once before, in 1851, on a visit, and I remember that the trains from Boston on that occasion stopped at Forty-second Street, and individual cars were dragged by horses from there down to Canal Street, and discharged their passengers who were going farther. I knew almost nobody in the great city. A graduate of the Harvard Law School nowadays coming to New York would find thousands of New Englanders here, and among them hundreds of his personal acquaintances, but at that time it was a comparatively rare thing for emigrants from New England to settle here, especially educated men, and I do not think that there were more than twenty-five Harvard graduates then residing in this city. I brought with me one letter of introduction, however, which proved to be an opening wedge for my professional career. It was from Rufus Choate, who took quite an interest in my fortunes, and addressed to Mr. William M. Evarts, and read as follows:

"BOSTON, 24 Sept. 1855.

"MY DEAR MR. EVARTS

"I beg to incur one other obligation to you by introducing the bearer my friend and kinsman to your kindness.

"He is just admitted to our bar, was graduated at Cambridge with a very high reputation for scholarship and all worth, and comes to the practice of the law, I think, with extraordinary promise. He has decided to enroll himself among the brave and magnanimous of your bar, with a courage not unwarranted by his talents, character, ambition and power of labor. There is no young man whom I love better, or from whom I hope more or as much, and if you can do anything to smooth the way to his first steps the kindness will be most seasonable and will yield all sorts of good fruits.

"Most truly

"Your servant and friend

"RUFUS CHOATE."

This, certainly, was a very emphatic letter and manifested wonderful confidence and affection on the part of the writer, and I had to do my best to live up to it in all the after-years.

Mr. Evarts had not at that time attained the zenith of his great fame, for he was then only thirty-seven years old, but he and his firm of Butler, Evarts and Southmayd were already in the front rank of the profession, and, perhaps, the busiest office in

New York, with a remarkable clientage. He rose very rapidly to the leadership of the American bar, and was engaged in all the greatest causes of his time, before entering public life and holding the great offices of attorney-general, secretary of state, and senator. He received me very warmly, but it was several months before he could make a place for me in his office. During this time I had quite an opportunity to study New York and to become acquainted with the habits of life there, which were so different from the New England ways, and in the meantime, in the offices of my classmates, Waring and Norris, and of James Carter, I was studying up the code and learning something about practice.

New York was a very different city from what it is to-day. Instead of being Greater New York, with what the papers to-day say to be a population of five and a half millions, it was simply the Island of Manhattan, with a population of five hundred thousand only, and Brooklyn and the other boroughs, instead of being accessible by tubes in a few minutes, seemed almost as far away as Boston. There was no congestion and no rush anywhere. I remember that shortly afterwards, when the Sixth Avenue railroad with its horse-cars was opened as far as Forty-second Street, which was then the upper limit of the city, it was thought that the final achievement of rapid transit had been reached. You could get into their cars at the Astor House and reach Forty-second

WILLIAM M. EVARTS.

The famous New York lawyer, Attorney-General, Secretary of State, and United States Senator. He invited J. H. C. to become junior partner in the firm of Evarts and Southmayd in 1859, and the relationship then begun was only dissolved by Mr. Evarts's death. This portrait, painted by William M. Hunt in the seventies, shows Mr. Evarts in the prime of life.







Street in forty minutes, which was thought to be wonderful.

My father said to me, when I left home, "I suppose that you will want some money," and kindly offered to furnish me with what I needed, and measuring the probable cost by the standard that I had known in Salem and Cambridge, and not realizing that New York even then was a more expensive place, I said to him that I thought that forty dollars a month would be ample, which I duly received. I found it a very close cut, but was too proud to ask for more, so I found a boarding-place in which my classmate, Addison Brown, was already established, at the corner of Bleecker Street and Thomson Street, which had previously been the residence of General Scott. After he left it several stories had been added, and one or two adjoining houses taken in, so that it was quite a caravansary. I took a room on the fourth floor, for which I had to pay five dollars a week, for board and room. The room was so small, however, that when I invited anybody to come in I had to stand on the outside, so I soon ventured upon a larger room on the top floor at five dollars and a half a week for room and board, and made myself very comfortable, and the walk morning and evening from Bleecker to Wall Street gave me just a comfortable amount of exercise.

The social world of the city began to open to me in various directions, although in all it was very simple and unpretentious. My earliest acquain-

tances were with the Quakers, whose welcome was exceedingly cordial, and I have cherished the recollection of it at a very high value from that day to this. The Gibbonses, the Hoppers, and the Haydocks were very remarkable and interesting people.

Mrs. Abby Hopper Gibbons was a wonderful woman with a heart as strong and warm as her head was clear. She was engaged in many charities, and exerted a wide and very powerful influence in the city; and her brother, John Hopper (they were children of the famous Quaker, Isaac T. Hopper), was a miracle of fun and drollery, and at the same time a marvel of devoted loyalty and affection, and he did a vast deal to make my early days in New York extremely enjoyable. He was a lawyer, besides being the agent of the New England Life Insurance Company, and was the soul of hospitality. He was noted for his wit and sprightliness, from boyhood in Philadelphia and all his life in New York.

Philadelphia must have been a very quiet place at that time, for after his father had moved to New York, when he was about twelve years old, complaint was made to the mayor of the city by two venerable spinsters, sisters who dwelt together in one of the Philadelphia houses, that mysterious visitations were being made to them at night, which they could not possibly account for. It seems that knowing all about them, on a return to the city of Brotherly Love, he had carefully watched their habits and discovered at just about what time they were going to

bed, and as their light was put out the window-sash of the room in which they slept together was raised by no visible hands, to their very great terror. When this had happened for three nights in succession they could stand it no longer and complained to the chief magistrate, who replied: "Oh, ladies, you must not be frightened. I think John Hopper must have returned to town."

I remember that Carter, Thayer, and I used to assemble at his house very often on Saturday nights, where he treated us most royally. His wife was a woman of great beauty and of splendid character, who would have graced any station in life. She was the daughter of William Henry de Wolfe, one of the famous family of that name at Bristol, Rhode Island, and the young couple had made a runaway match. The indignant father had pursued them, but overtook them too late to prevent the marriage, and contented himself with dealing John a violent blow; but John survived that, and lived to take into his own house his father-in-law with his wife and invalid daughter, and Mr. de Wolfe finally died in his arms. They had been for twelve years without children, when, to the surprise and delight of everybody who knew them, a fine son appeared in the person of De Wolfe Hopper, now such a distinguished comedian, well known throughout the United States. John was so wild with joy at the idea of being a father that he could hardly contain himself, and when the boy was about a week old one summer morning, finding him

lying naked on the bed, just as his nurse had given him his bath, and wishing the whole world to participate in his happiness, he took him by the leg and held him out of the window. Until the boy grew old enough to run about for himself he used to carry him all over the city every fine day, making a seat for him upon his cane with the crook of his elbow, and in that way they wandered from Forty-second Street to the Battery almost daily. One day he came near losing the boy, for, entering Madison Square with him on his arm (a square which at that time was very greatly given up to nurses and children) he went about among them, exclaiming: "See what a fine boy I have found. Who's lost a boy?" Oddly enough, there was a woman there who had recently lost a baby, and was crazy from the effects of her affliction, and hearing this outcry she seized the baby and claimed it for her own, and John had great difficulty with the aid of police in rescuing himself and the child from her attack. As the boy grew up he thought of nothing but life upon the stage, and I have always thought that all of his comic faculty came to him by heredity from his father.

In fact, his father had always been a devotee of the theatre in spite of his Quaker surroundings. When the celebrated Fanny Kemble made her first appearance in New York he became very much fascinated by her, and was a constant attendant upon her performances. He would exchange his shabby Quaker coat for a world's people jacket at the

shop of an apothecary, in the neighborhood of the theatre, and buy a ticket to the shilling gallery. One night his father on his return home caught him going up-stairs at midnight, shoes in hand, and took him to task, and the following colloquy took place: "John, where has thee been?" Now John was always truthful; under every circumstance you could depend upon his telling the truth, so he said: "To the theatre, father." The old gentleman was very much shocked. "What theatre was it, and whom did thee see?" John gave the name of the theatre and the name of the famous actress, which disgusted his father still further, and he exclaimed: "John, I hope this is the first time thee has been to see her." And John replied: "No, father. It is the sixty-third time." The old gentleman was so overwhelmed that he took to his bed again and inflicted no chastisement.

Nothing could be more simple and almost idyllic than the life that these Quakers led, and the house of Mrs. Gibbons was a great resort of abolitionists and extreme antislavery people from all parts of the land, as it was one of the stations of the underground railroad by which fugitive slaves found their way from the South to Canada. I have dined with that family in company with William Lloyd Garrison, and sitting at the table with us was a jet black negro who was on his way to freedom. The Haydocks, too, were splendid people, and were the progenitors of the Hallowells, who have since held such a distinguished place in Boston. Lucretia Mott, the celebrated fe-

male preacher of that day, was also a frequent guest, and I have been to hear her preach at the Quaker meeting-house, which still stands in East Fifteenth Street.

But I was not confined to Quakerdom, for I rapidly met many delightful acquaintances in the city. At the houses of the leaders of the bar, like Daniel Lord, and Mr. Evarts, and others, I found warm friends, and I remember at a reception at Mr. Lord's being introduced to ex-President Martin Van Buren and his attorney-general, Benjamin F. Butler, who both died within a few months afterwards. The families of Hamilton Fish, and Mrs. Fish's sister, Mrs. Griffin, and George L. Schuyler, and John Jay, and Daniel Leroy were among my earliest friends in New York.

At the house of Mr. Jay, at Bedford, I always found a most cordial welcome from him and his delightful family. He retained unchanged the residence of his grandfather, the first chief justice of the United States, whose name he bore, and there many fascinating historical reminiscences were recalled by him. The grandson, John Jay, was in all respects as high-toned and patriotic as his grandfather, and delighted in nothing so much as in public service. He was one of the founders of the Union League Club, and intensely interested in all measures of reform that came up at that exciting period, which led to the club's formation, and his public services afterwards as minister to Austria were of great value.

Gouverneur Morris was an eccentric character, but a man of very noble nature, as his acts testified, and he, too, loved to indulge in memories of the early days of the republic. I had always supposed that all the public men of the revolutionary period were spotless patriots, and worthy of all praise, but I have a suspicion that the world has progressed in every generation, for Mr. Morris told me that in his boyhood his father, of the same name, who was our minister at Paris during the French Revolution and the days of the Terror, used to take him with him in his yearly drives from Morrisania to Bedford to visit the chief justice, and there he overheard their conversation, as they dwelt upon their early experiences at the time of the formation of the government, and had much to say about the performances of the "damned rascals of the first Congress," as they called them.

I think that it would now be hard to find the spot at Mott Haven where stood the hospitable mansion of Gouverneur Morris, which I often visited. It was a somewhat sequestered rural retreat on the banks of the Kills, where it was quite practicable at that time to fish, but now the whole region has become a part of the city, compactly built and without the possibility of discovering the remains of the Morris mansion. I remember that it contained in one of the parlors a complete set of furniture which had come from the Tuilleries, where it had been used by Louis XVI and Marie Antoinette, and was justly regarded as a most interesting treasure.

The marriage of Mr. Morris's father, I believe, had not suited his relatives of the Morris family, who had hoped to be his heirs, as he had long remained a bachelor, and he told me that, when they assembled to celebrate his birth, the health of the new-born child was proposed under the name of Kutusoff, who had at that time become a distinguished Russian general in the wars of Napoleon, and as commander-in-chief of the First Corps of the Russian army against the French had gained a victory, and afterwards commanded the allied army under the Emperor Alexander at Austerlitz.

Mr. George L. Schuyler and his noble wife, a granddaughter of Alexander Hamilton, were among the most delightful people that I have ever known. They were both of really famous historical descent, and their home was an extremely attractive and happy one. Mr. Schuyler was the most genial and delightful of men, never assuming anything or taking on airs by reason of his illustrious pedigree and alliance, and always extremely affable and interesting. He told me that he had shaken hands with every President except George Washington. His father, who had been a member of Congress, and was the son of General Philip Schuyler, took George, when he was about ten years old, on a visit to Quincy to call upon John Adams, and shortly afterwards to Monticello to call upon Thomas Jefferson, to be presented to those famous founders of the Republic, both of whom shortly afterwards died on the same day, on

the fiftieth anniversary of the signing of the Declaration of Independence, which one of them had drawn, and the other had done all he could to promote. This was one of the most striking historical coincidences ever known, for in those days, so long before the era of travel by steam and communication by telegraph, Monticello and Quincy were as far apart as New York and China are to-day, and although John Adams with almost his dying breath had said, "Thomas Jefferson still lives," it was not so, for they died together on the same Fourth of July.

Mr. and Mrs. Schuyler exercised a most graceful hospitality, especially avoiding all ostentation or display, but giving most agreeable dinners, for one of his favorite maxims was that eight was the ideal number for a dinner-party, so that all the company at table could take part in all the conversation. These occasions were very happy ones to remember. He lived to a green old age, always taking a warm interest in public affairs, and transmitting to his children not only the memory of his unspotted life, but a taste for public service of the highest character.

His son Philip took part in the Civil War on the staff of General Wool, and his daughter, Miss Louisa Lee Schuyler, has exercised a great and most wholesome influence in the promotion of many measures that tended to advance the welfare of the community. I remember taking part with her in her splendid crusade for the rescue of the dependent insane of the State from the prisons and poorhouses of counties

and towns, and transferring them to the care of the State itself, which has provided homes of a permanent character for them in all respects suitable for their condition. It was a fight of many years against all sorts of corrupt influences, and she led the way most triumphantly from beginning to end. In many other services she has shown a tact and power worthy of her distinguished progenitors, so that when Columbia University, in 1914, conferred upon her the rare honor of a degree of Doctor of Laws it was universally regarded as a just recognition of her work and character.

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But to return to the law. In the early part of 1856 Mr. Evarts kindly invited me to come into his office, and made a seat for me in his own room, and there I soon got to be very busy. As a prominent Bachelor of Laws of Harvard University and a member of the Massachusetts bar, I had looked forward, of course, to entering immediately upon a career in the courts, but nothing could be further from the actual fact. The world does not need the counsel of boys, either in court or out, but I was determined, if possible, to make myself indispensable in that office, and an easy way soon opened, for they found out that I could write a good hand, and could keep it up at the rate of twelve folios an hour for ten hours a day. There were no stenographers, and only an ancient scrivener, a regular retainer of the office, and another casual friend of his who was called in occasionally, but they could not keep up with the rush of work. Mr. But-

ler and Mr. Southmayd used to draw tremendously long papers, and many of them came into my hands to copy, which I did with the greatest avidity, learning a great deal all the time as to the preparation of papers; and many a long document will be found in my handwriting in the county clerk's office and the surrogate's court, and the register of deeds of that day. And so I gradually became quite necessary.

I attended courts also at the call of the calendar, and can recall the interesting habits of the bar at that time. The leaders of the bar always appeared in dress suits at ten o'clock in the morning, and the imperturbable George Wood, who was the most famous of the chancery lawyers, as some, I think, were then called, and who was all brain, made long arguments with so little emotion or manifestation of feeling that a story was told of him that always impressed me very much, for it was said that in an important case where he had to make a special effort, one of the tails of his dress coat, when he rose to speak, rested upon the table at which he had sat, and there it remained undisturbed during the whole of his argument of two hours, to the great entertainment of all the bystanders.

The judges of the courts were all highly respectable, but they were very few in number, and they received very small salaries, as compared with those now paid. I think that in the Supreme Court there were but three judges, who held jury terms and equity terms, and then sat together in the general term on

appeal. The superior court held a very high place and had a very large commercial business, and there were, I think, three or four judges there, consisting of some famous men like Chief Justice Oakley and Judge Duer, who would have been a credit to any tribunal anywhere. To show how the Federal Government has gained upon the States until almost the entire power of the nation has been concentrated at Washington, there was only one judge of the federal court in New York at that time, the Honorable Samuel R. Betts, and there was hardly business enough for him. He was at quite an advanced age, and often took naps upon the bench, so that the lawyers before him had to raise their voices to a very high pitch to wake him up. But Judge Samuel Nelson, who was one of the greatest lawyers and judges I ever knew, was then assigned to the second circuit, and on very important cases he would come and sit with Judge Betts.

And now how changed it all is ! Some ten federal judges holding court all the time can hardly keep up with the pressure of business, and when the courts open in October many branches are holding separate terms, and there is now a bill pending in Washington for adding two new judges to the district. In those days the practice in the federal court was a *terra incognita* to most lawyers, and a very few offices, of which ours was one, had any business there.

The scriveners, with whom as a skilful writer I was intimately associated in my early days in the

**GAMALIEL HODGES—1766-1850.**

This silhouette of Mr. Choate's grandfather was made when he was about seventy years of age. He was a very big man, over six feet and a half tall, and weighed over three hundred pounds; although when he was born he is said to have been so small that he was put in a silver tankard and the top shut down!







office, were an interesting lot, most of them Irishmen who had done nothing else since their immigration. Samuel L. Montgomery, the scrivener of our office, known there and to the whole profession as Sam, was a truly interesting character. He had been there for untold years, and had married, brought up one family, and had lost his wife, and one day he came to Mr. Evarts and said that he was going to be married again. Well, they congratulated him, the heads of the office were much pleased, and gave him a vacation of two weeks for his honeymoon, and made up a nice little purse for him to take the journey with his wife. After the appointed time he returned to the office in finest of spirits, and this conversation occurred between Mr. Evarts and him: "Well, Sam, we are very glad to see you back. Did you have a good time?" "Had a perfect time. Never had such a good time in my life." "Well, where did you go?" "Went to Saratoga, Trenton Falls, Niagara and back." "Did you have time enough?" "Plenty of time." "Money enough?" "Yes, I had some left." "Well, how did your wife enjoy it?" Sam scratched his head. "Well," said he, "the fact is, I left her in Brooklyn."

The other casual scrivener, who came off and on when there was extra work, was named Collins, and one day when he had grown quite old he came to me and wanted help to get into an old man's home. "Well," said I, "Mr. Collins, you don't look as though you needed to go to an old man's home.

You look in fine health and condition. How old are you?" "Well, I am eighty-two. I think it is time for me to stop work and go into an old man's home." "I wish," said I, "that you would tell me how it is that you have kept in such splendid condition till eighty-two, for I should like to get there myself in as good shape as you are." "Well," said he, "I will tell you. I have always kept married. I am on my fifth wife now." So I gave him the help he wanted for so worthy an object.

I had always had in mind that I would combine with my professional life as much attention to public services as was compatible with it, and I had hardly been in the office six months before the great campaign of 1856 came on, when the Republican party was formed, and made Fremont and Dayton its candidates to run against Buchanan and Breckinridge. The object of its formation was, if possible, to prevent the further extension of slavery, which had been made possible by the legislation in Pierce's administration, during which the famous Kansas-Nebraska Act was formed, and left the great northwest region possibly open to the introduction of slavery, the Missouri Compromise of 1820 and the great compromise acts of 1850 having been thrown to the winds. Of course I joined the Republican party, and remember being a member of the Rocky Mountain Campaign Club, which took rooms in the Stuyvesant Institute on Broadway near Eighth Street, not far from my residence, and Charles A. Dana and John J.

Townsend and other men of distinction in later years were members. I remember well my first political speech for Fremont and Dayton in the summer of 1856, just after they were nominated. It was made at a meeting held on the roof of our boarding-house in Bleeker Street, gotten up by Judge Brown and E. C. Benedict, long since known as Commodore Benedict, the friend of Grover Cleveland. We assembled after dinner, and I made the principal speech, which seemed to entertain and satisfy the large audience consisting of inmates of the house, and then later before the election I made a still more important speech at Constitution Hall, corner of Thirty-fourth Street and Eighth Avenue. Huge placards were set up in the vicinity, representing an express-train, with General Fremont running the train as engineer, and running over an old buck that lay upon the track representing Buchanan, and under this in great capitals was a notice that Joseph H. Choate and others would address the meeting, and that victory was certain. It was a very good meeting in which Mr. Carter and the Reverend O. B. Frothingham took part, giving a religious aspect to the affair. Some fifty years afterwards I found one of those placards in overhauling my papers, had it framed, and sent it to the Union League Club where, I believe, it is still preserved in the archives as showing an important step in the history of the Republican party.

I had the pleasure of meeting John Fremont in Charles Gould's office in Wall Street before the elec-

tion, and was impressed with the idea that he was a very light character and contained no great amount of what is known as presidential timber, and it was probably well for us that we were thoroughly beaten. Nevertheless the campaign, which was well fought (for after all Buchanan was a minority President, and Fremont had a million and a half of votes to Buchanan's eighteen hundred thousand), paved the way for the triumphant election of Lincoln and the saving of the country four years afterwards.

Mr. and Mrs. Hamilton Fish undoubtedly occupied at that time the foremost place in the social world of New York, although he had not attained to the world-wide distinction that he afterwards acquired in his eight years' service with President Grant as his secretary of state. Mrs. Fish, like her sister Mrs. Griffin, was a lady of great charm, and they exercised a most dignified and generous hospitality entirely free from the extravagance and dissipation that has of late marked what is called society in New York City. I regarded it as a very great honor to be invited now and then to their dinners, where I always found myself among the best people.

A very early admission to the Century Club in 1858 brought me into relations with the most charming circle of men. The Club then consisted of something less than two hundred members, of whom almost all the original members of the club, founded in 1846, still survived. Time was not so pressing then as it has since become, and comparative leisure pre-

vailed with them all, so that not only on Saturday nights, but on almost every night in the week, except Sunday, many of these delightful old members were present, and we youngsters sat at their feet in devout admiration. Such men as Julian Crommelin Verplanck, William Cullen Bryant, Doctor Bellows, the two Kembles, Gouverneur and William, Charles M. Leupp, Jonathan Sturges, John H. Gourlie, and others of great distinction, including many artists like Daniel Huntington, Charles C. Ingham, Frederick E. Church, John F. Kensett, and others of their profession, which always has constituted a very prominent element in the club, formed such a group of character and good fame as can hardly be found at the present day in any club in New York, I think. It was an immense privilege and, in fact, the completion of a liberal education to be thrown among such men, intercourse with whom contrasted very strongly with my simple and secluded life at Salem.

The Century occupied a very modest building in Fifteenth Street. There was no cuisine, and the only refreshments on ordinary nights consisted of oysters, which we cooked ourselves in chafing-dishes, and a favorite drink was what was called a Renwick, invented and introduced by Professor Renwick of Columbia College, containing a little sprinkling of Jamaica rum. Small as the body was, it enjoyed almost an international reputation, and every stranger of distinction that came to the city was sure to be introduced there at the meetings on Saturday night,

which were always largely frequented by the members. Thackeray, Tom Hughes, and many other famous Englishmen appeared there, and on my first visit to London, in 1879, Tom Hughes was good enough to take me to a meeting of a club that he had organized in the same name, but which, I believe, did not long survive. At any rate, it never attained anything like the distinction of its namesake.

I ought not to forget one other and very different form of social intercourse, which I enjoyed from the very day of my landing in New York, and that was at Doctor Bellows's church, which still stands on the corner of Twentieth Street and Fourth Avenue, and which was then often spoken of derisively by our orthodox friends as the "beefsteak" or "zebra" church, from its peculiar architecture. It was frequented by a large number of educated and highly intelligent people, largely from New England, and Doctor Bellows was a noble element in the life of New York, and a very eloquent and powerful preacher. I cherish his memory most devoutly as my first, last, and only pastor, and keep his portrait close by me by night and by day in memory of the wonderfully wholesome influence that he exercised upon my personal life. He was a man of most untiring energy, not only in his profession, but in all other good works, and his wonderful achievements a few years afterwards in organizing and maintaining throughout the Civil War the United States Sanitary Commission, of which he was presi-

dent, has given him, I believe, a lasting place in history.

Thus it may be conceded that from the outset I enjoyed very choice and unique social privileges, and although in my subsequent busy life I had to curtail indulgence in them somewhat, they have ever been in the retrospect a most satisfactory pleasure.

## VIII

### AT THE NEW YORK BAR

The conduct of law business in those primitive days was very different in every particular from the strikingly commercial methods into which the profession has fallen, or risen, in recent years. For instance, the office of Butler, Evarts & Southmayd consisted of four very moderate-sized rooms on the second floor of 2 Hanover Street, a little building which has long ago been demolished, and the place included in the great banking-house of Brown Brothers & Company. There were only two clerks besides myself in the office and one scrivener. There was no railing, which now marks every office that I know about and which we forebade as long as it was possible, and there were no retiring rooms for the partners and leading associates in the office. Cashier's and accountant's rooms would have been thought absolutely unprofessional, as the lawyers of the establishment did their own work.

It was not long after I had established my prowess as a scrivener, as I have already described, that I gradually began to come into the kind of work to which I had looked forward when I chose the law as my profession, and I had the singular good luck,

quite unprecedented, I think, then and now, to serve for some ten years as junior to Mr. Evarts in the conduct of the litigation which then constituted a very considerable portion of the business of the office, and occasionally the litigation into which Mr. Evarts was called as counsel. I learned to prepare the cases for trial and for argument, and then to assist in preparing my senior for his vastly more important part of the work. At first I was amazed at his wonderful power of assimilating everything that I did, and the extraordinary speed with which he would make himself master of all the questions involved in a case to be tried. For he would come into court, when he found that he could rely upon my preparation, absolutely knowing nothing about the case, and would assume the conduct of it, and in a half-day would appear to have possessed himself of every question to be tried in it, and of every leading bit of evidence to be presented, so that from that time on to the end of the case, he was fully imbued with all that was necessary for its proper presentation. I had never seen anything like this mental action before, and never realized, until I came to stand in the same relation to my junior in long subsequent years, that it was simply an acquired faculty to which a man of quick brain and energetic nervous action could qualify himself.

Mr. Evarts, although then only thirty-eight years old, was rapidly rising to the foremost place in the profession, and here I think I ought to say something

a little more at large about his wonderful faculties and his extraordinary career.

He was already only a few steps behind the very leaders of the bar at that time. With such men as Francis B. Cutting, George Wood, Charles O'Conor, James T. Brady, Daniel Lord, William Curtis Noyes, and Marshall S. Bidwell he was found to be in daily conflict, and his opinion on important questions was already much in demand. Of these men it is, I think, fair to say that their superiors have never been produced at the New York bar from that day to this.

Francis B. Cutting was, perhaps, the most formidable advocate in court that ever was at work in New York. He was of tremendous physical force, and seemed to throw all his energy of body and mind into the case that he was for the time conducting. He was a handsome creature, and in this respect I think was without an equal. In all the work of the courts, in the examination of witnesses, in the discussion of the questions of evidence, and in the presentation of the case to the court or the jury, as might be, he had no superior, and to be brought in conflict with him led to a rapid education of his juniors. He was in all the leading cases, but his professional career was brought to a sudden end in the trial of the Parish will case in 1858, a case which was one of the very leading cases up to that time in the history of New York on the subject of testamentary capacity. Right in the midst of it he broke down suddenly and finally, so that I think he never appeared in court

again. And it shows what a point in advancement Mr. Evarts had already reached that he was called into the case as Mr. Cutting's successor, and proved himself fully equal to the conduct of it; and from that time I think he ranked as one of the foremost leaders of the bar in New York, and, of course, in the country at large.

Mr. O'Conor was by common consent the foremost of the great lawyers of the day. In power of logic, in keen and incisive criticism, in fierceness of attack and defense, and in the complete mastery of the law he was certainly without a superior.

Mr. Daniel Lord was of a wholly different type, but was called upon every day to cope with O'Conor. Immense weight of character, absolute fidelity to the client and the cause, untiring industry, excellent manners, and never-failing courtesy, especially towards his juniors, were qualities the combination of which made him irresistible whenever he had a fair case to present, and as Mr. Evarts had been brought up in his office and graduated from there some fifteen years before, we looked upon him naturally with the greatest reverence, to which he was fully entitled.

Mr. William Curtis Noyes was another model of professional excellence and success. He was more like the commercial lawyer of to-day than any of his compeers, and was, I believe, perhaps the first example that we had of a counsellor fully qualified to initiate and carry on great corporate organizations, and I think that, up to the time that death struck

him from the roll, he might be regarded as the most successful lawyer of his time.

James T. Brady was one of the most delightful men I have ever met. He was a real orator and was largely engaged in defense of criminal cases, although he was quite equal to any civil procedure that might arise; his striking personality as a witty and jovial Irishman fully made up for any lack of legal learning and entitled him to a place in the front rank. He was one of the dearest and most fascinating of men; always frank and open, having, so far as I could see, nothing to conceal and no desire to conceal anything, and he commanded a popularity far exceeding that which at that time, I think, any of his associates in the profession enjoyed. He was always in demand for great public meetings and never failed to make a first-rate speech.

Marshall S. Bidwell was a lawyer of great learning. Descended from a famous lawyer of the same name, he had practised in Canada for many years, and had become the leader of the Liberal party there previous to and during the Rebellion of 1837, and became so formidable to the government that he was ordered to leave the country, and he moved to New York City where he subsequently practised law and took a prominent position. He left his name upon the profession by establishing the office which, under the name of Bidwell & Strong, Strong & Cadwalader, and now Cadwalader, Wickersham & Taft, has maintained such an enviable position in the city.

JOSEPH HODGES CHOATE.

CAROLINE STERLING CHOATE.

These photographs were taken in 1863—two years after their marriage, October 16, 1861.

Their married life lasted over fifty-five years.







Among this group my senior found a fitting place in the legal world and was constantly engaged in the most vigorous kind of work. I regret very much that although fifteen years have passed since his death no adequate memoir of Mr. Evarts has as yet been produced, and the number of those who knew him well is rapidly diminishing. Taking him for all in all, he was the quickest-witted man that I have ever known on either side of the water, and in the course of a long life I have met many of the foremost men of intellect and action, both here and in Great Britain. Nothing could possibly escape him, and his mind seemed to flash instantaneously, no matter what was the subject that engaged his attention. He was exceedingly fortunate, too, in being at the height of his powers during the most interesting period of our history, and it so happened that four or five of the greatest and most interesting causes that have ever engaged the attention of our courts came when he was at the head of the profession, and as such was naturally called upon to take a leading part in them.

The Lemmon slave case, in the court of appeals at Albany, involved most interesting questions in regard to the application of the Fugitive Slave Law, and he was retained by the State of New York as counsel to maintain the right of the alleged slave to his liberty. It happens to few lawyers in a single life to be called on to lead in four such cases as the Geneva Arbitration, the Electoral Commission, the

impeachment of President Johnson, and the trial of the case of Tilton against Beecher.

The Geneva Arbitration was the one great historical case which would form a fitting ornament and achievement of any great professional career. He had very powerful associates in Caleb Cushing, of Massachusetts, and Morrison R. Waite, of Ohio, who afterwards became chief justice of the Supreme Court, and was opposed by Sir Roundell Palmer, who for his great services in the case was afterwards raised to the peerage and became Lord Chancellor of England, as Lord Selborne. It was a case of truly international importance, and may safely be said to have attracted the attention of the whole world. It was a natural sequel to those alarming differences which had arisen between the two countries out of the conduct of Great Britain in letting out the *Alabama* and the other sea raiders to prey upon the commerce of America during our Civil War, and which, in effect, did really destroy it for the time being. I do not suppose that any legal controversy ever enlisted and excited the feelings of the people of two great nations so much. He led with great distinction and had the good fortune to be the winner of the case, which resulted in what I believe to have been the largest pecuniary award ever recovered in such an arbitration, and when he returned to America, bringing his sheaves with him in the shape of fifteen millions of dollars as the result of his efforts, the enthusiasm with which he was met knew no bounds.

This was the finest laurel Mr. Evarts ever won, and from the novelty and world-wide interest in the case, it is, perhaps, the most notable professional achievement that ever fell to the lot of any American advocate. Making full allowance for all the aid rendered by his distinguished associates, there is no doubt that he is entitled to the chief credit for the grand result, and the pecuniary success of it was nothing compared to its immense value as establishing the supremacy of arbitration as the only sure means of settling international quarrels between great nations, for this question had been threatening war from the time of the escape of the *Alabama*.

The trial of the impeachment of President Johnson was one of the grandest and most thrilling legal conflicts that has ever taken place anywhere. The President had undoubtedly been guilty of very imprudent conduct, but the narrow technical issue on which the case chiefly turned, his alleged violation of the Tenure of Office Act, raised a constitutional question which should easily have protected him before any tribunal. It seemed to me at the time that the impeachment of the President was one of those high-handed and desperate attempts which are sometimes made in seasons of great party excitement, not only to oust the President from office, but for the time being to paralyze the executive office itself, and to usurp on the part of the House of Representatives the whole executive power of the government. The

purpose of the impeachment, if they could succeed in removing the President, to put the office in the hands of an extremely zealous leader of the party, was never disavowed, and so it required, as it seemed to me, great courage on the part of Mr. Evarts, who had been a lifelong Republican, to accept a retainer from the President, and to maintain his cause and the integrity of his great office to the best of his ability. His conduct of the case as a forensic performance will never, I think, be forgotten. He was associated with two great lawyers, both of whom were considerably older than himself, William S. Grosbeck, of Cincinnati, and Judge Benjamin R. Curtis, of Boston, but Mr. Evarts had to bear the brunt of the case and was found to be not only physically but mentally fully adequate to the occasion. His extreme readiness on the floor, his startling wit, his broad ability to grapple with all the legal and constitutional questions that arose, made him a very conspicuous figure in the case. It may be, and I think it is the case, that as the Senate, which formed with the Supreme Court the tribunal to hear and determine the case, was then constituted, it would have been impossible to obtain the two-thirds vote necessary for a verdict of removal, for there were a number of senators in whose minds patriotism was before party, and I have always regarded it as one of the most brave and public-spirited triumphs of good conscience that seven senators were found under the lead of Mr. Fessenden and Mr. Trumbull, to

defy the imperious dictates of their party and vote for acquittal of the President.

The Electoral Commission was a very rare and an absolutely unique form of litigation as a means of settling a contested election for the presidency, and although it had no international bearings, it put to a severe test the possibility of adjusting such a contest without resort to force. If Mr. Tilden had been more pugnacious and had really claimed what his followers all believed—that he was entitled to a plurality of votes of some two hundred and fifty thousand—a contest of force for the position might well have taken place, as General Grant, then President and commander-in-chief of the army and navy of the United States, would certainly have resisted the claim. It was a very happy outcome from a most dangerous issue, and the counsel who conducted the controversy before the commission, of whom Mr. Evarts was the chief on the Republican side, are entitled to the very greatest credit for their devotion to the case.

By virtue of the extreme prominence of the part taken by Mr. Evarts in the Geneva Award and in the Electoral Commission, he was practically compelled to devote the rest of his life to the public service, and in the great offices of attorney-general of the United States, secretary of state, and senator from New York he certainly rendered admirable service to the whole nation. There is no doubt that notwithstanding the result of the Electoral Commission a cloud

of doubt and suspicion rested upon the title of President Hayes, and it was by the happy selection of a very powerful and public-spirited cabinet, of which Mr. Evarts was, as secretary of state, at the head, that this embarrassment was completely overcome, so that the administration of Mr. Hayes will be found to rank very high in the history of good government with any that preceded or followed it.

The case of Tilton against Beecher was not only infinitely curious and interesting, but its conduct on the part of the defense, in which Mr. Evarts led, was one that called forth the highest powers of advocacy. The most distinguished clergyman in the United States was put on trial for alleged acts of gross immorality, of which he doubtless was entirely innocent. The trial occupied many weeks, and of course every word that was uttered in the court-room was bruited abroad throughout the country as far as the press could carry it. The arguments in summing up were of inordinate length, Mr. Evarts's, I think, occupying nine days, or seven days, and Mr. Beech's for the plaintiff nearly as long; but the whole history of the case, every consideration and circumstance that could possibly have any material bearing upon the issue, were all contained in the first day of his seven days' argument. Mr. Evarts must have been in complete sympathy from the start with his distinguished client; they were both of that stern old Puritan descent, origin, and discipline which had continued in Massachusetts and Connecticut undiluted down to their

time, and I have often said to Mr. Evarts that I thought his own mental and moral qualities were as fully displayed in his first day's argument as those of his great client.

Thus it appears that Mr. Evarts easily held to the end of his days the well-earned post of the greatest and most famous advocate at the American bar.

Such was the man with whom, from a point midway in his great professional career, I was closely associated until his death forty years afterwards, and the digression which I have made to sketch his character was necessary to show the very unusual and, indeed, unique advantage that I enjoyed from the very outset of my young professional life. I cannot recall any other instance of a lawyer in America having such an advantage at the start. In England, where the distinction of the profession between barristers and attorneys is strictly maintained, there is a somewhat similar relation at times established between the leaders of the bar and their juniors. For instance, I have heard that Lord Haldane, who came afterwards to be Lord Chancellor, after a most distinguished professional career at the bar, especially in the chancery side of the practice, "devilled" as they call it, for twelve years at the beginning with Lord Davey.

Lord Davey, himself, had been very eminent at the chancery bar, and is believed to have had the largest professional income of any lawyer there from private practice, not including those who had held

the office of attorney-general, or solicitor-general, and had in those days been permitted to continue their private practice at the same time, and who, of course, enjoyed in the matter of fees a very great advantage. For instance, it was the common talk of the profession, when I was in England, that Sir Roundell Palmer, already referred to as the leading counsel for Great Britain in the Geneva Arbitration, had in one year, while attorney-general, realized the net sum of fifty thousand pounds, but it was also said that he worked for it day and night the year round, from Monday morning until Saturday night, and that one day, when Mr. Goldwin Smith needed very much to see him and called at his chambers for the purpose, his clerk said: "Is it absolutely necessary for you to see him?" To which Mr. Smith replied that he thought that it was. "Well," said the clerk, "if you say it is necessary, you can see him, but I would advise you not to, for he hasn't been in bed since Sunday night," and this was Thursday.

The devilling process consisted very much in what I did so long for Mr. Evarts, working up the cases, studying the questions, preparing a brief or memorandum for the senior, and being kept for the time somewhat in the shade, but when Lord Davey was raised to the bench, Lord Haldane, then, of course, Mr. Haldane, came into full possession of his reward, for he immediately succeeded to about half of the business that Lord Davey had enjoyed; and, throwing off the devil's mask at once, came into a

place of great prominence in the profession. So I enjoyed during my term of ten or twelve years of subordinate service all the advantages which are open to the young English barrister and which are almost wholly unknown here, and I never can sufficiently express my obligations and gratitude to Mr. Evarts for giving me this great opportunity.

But I am getting a little ahead of my story and must go back to the beginning, when I entered the law office in Hanover Street as a student in January, 1856. After I had been there about six months the firm proposed that I should remain with them for a year as a clerk, there being only two others occupying that relation. I was to receive five hundred dollars. I gladly accepted the offer and thought myself very rich, and I think that I enjoyed that five hundred dollars more than I ever enjoyed the greater individual fees which came to me in after years, for I was immediately able to write to my father that he would not have to send me any more money, as I could take care of myself, and so relieve the poorly furnished family purse of that much of the drain upon it. After a year, at the beginning of 1857, the firm proposed that I should continue for another year, and as an inducement offered me a salary of eight hundred dollars, and that I might do any business of my own that should happen to come to me, and in that year I received, besides my salary, about five hundred dollars in fees, so that at the beginning of 1857 I really thought my-

self a Crœsus. My financial ambition was not very lofty, for I remember very well feeling and saying at that time that, if I could ever find myself the owner of accumulations to the amount of ten thousand dollars, I should be perfectly satisfied and never want more.

At this time, too, my large earnings of one thousand three hundred dollars a year enabled me to begin to accumulate, for I have always thought that it was the duty of every lawyer to begin to provide for his future in that way as soon as possible. I never went quite to the extreme of Mr. Southmayd, who used to preach the doctrine of self-denial very urgently, and declare it to be the duty of every lawyer to accumulate his entire professional income from the start. "But," said I, "it isn't everybody that can do that, for we must live." "No," said he, "that doesn't follow; that is not at all necessary." It had not been necessary in his case, because he, fortunately, lived at home and had no expenses except for his clothes, and those were simple and modest, for he always patronized the same tailor, and hating to go to be measured or to try on, he fell into the habit of sending a semiannual message to his tailor: "Two suits like the last." So, for his sixty years, there was never any change in the fashion of his garments. But there is no such wonderful rule for a young lawyer, no such aid in his personal advancement, as to begin to accumulate as early as possible, no matter how little, for he begins in that

way to have income that earns itself, wholly independent of his own exertions.

Thus I continued in the office of my superiors for about three years, until in 1858, seeing no prospect of any further advance in that office and feeling myself already fledged, I struck out for myself and opened a law office in Wall Street in partnership with William Henry Leon Barnes, a year or two my junior. Both of us were in the same line, ambitious to become court lawyers, he having been for a year or two with Mr. Charles O'Conor, as I had been with Mr. Evarts. Possibly we might have done very well in long-continued partnership, although I have my doubts about that, because we were too much in the same line; but he got married and went off for a very long wedding-tour, which took him to Europe for several months.

In the meantime, Mr. Evarts began to approach me with new overtures, asking at first if I did not know of any young man whom they could get to come in with them to help in the business of the firm. Of course I said I did not. But he from time to time continued his approaches, and finally said: "You don't seem to understand what I am after. We want you back in the office, and to come in as a member of the firm." Of course I could not resist this splendid opportunity, because the firm was certainly at that time the leading firm in the city. So the firm Choate & Barnes was dissolved, and Barnes, who was certainly one of the most brilliant

young men of his time, went to try his fortunes in California, where he became connected with one of the foremost lawyers there, and had a very successful career.

I wish that I could find the letter that Mr. Evarts wrote to me stating the terms on which I could come in with them, for in a few words it furnished a very good illustration of the situation of the bar at that time, so far as money was concerned. The idea of lawyers making great fortunes appears never to have occurred to anybody. The law was a strict profession, and was satisfied with ordinary and reasonable rewards. He wrote that they would like to have me join the firm as a partner, and that I should receive fifteen per cent of the income, not including, however, his own counsel cases, those in which he was employed by other lawyers and with which his firm had nothing to do. He added that while he could not state exactly what this would amount to, he thought that I might safely count upon at least three thousand a year. This would make the entire office income twenty thousand dollars, instead of the half million which I understand in these later days some law offices enjoy. Well, I thought that my fortune was certainly made, for it had never occurred to me that in five years after leaving the law school I could come into such an income as it would give me, and which, I suppose, measured by modern standards, was equal to four or five times the amount to-day. From this time forward I not only had the great privilege

**ANNOUNCEMENT OF THE FORMATION OF THE FIRM OF CHOATE  
AND BARNES, IN 1858.**

This notice was found among Mr. Choate's papers, and must have been issued just  
a few months before he joined the firm of Evarts and Southmayd.



Office of Choate & Barnes,  
No. 62 WALL STREET.

New York, August 2, 1858

Dear Sir,

We have formed a partnership for the practice of Law, and hereby respectfully inform you that on and after September 1st, 1858, we shall be happy to attend to any business in the various branches of the profession which you may be pleased to entrust to us.

Very Truly Yours,

Joseph H. Choate,  
William H. L. Barnes.



of working with Mr. Evarts, to which I have already referred, but gradually began to be employed independently of that. The mere fact of my having been taken into so distinguished a firm gave me a sort of personal standing of my own, and clients began to come to me, and sometimes in Mr. Evarts's absence, and especially in the absence of the other members of the firm, I was called upon in emergencies to act for myself. By dint of untiring industry and reasonable ingenuity and, I must admit, some audacity, I began to make headway quite rapidly.

I remember very well my first great constitutional case, which was as amusing as it was audacious. General James Watson Webb, who had been an intimate friend of Mr. Evarts and Mr. Prescott Hall, and a lot of other prominent men and good livers in New York, and who had been editor of *The Courier* and *The Enquirer*, and a loyal supporter of William H. Seward, came into the office one Saturday afternoon and inquired for Mr. Evarts. Of course Mr. Evarts was never there on Saturday afternoon, and he said, "Well, then, you must help me," and he stated his case. He had just been appointed minister to Brazil by President Lincoln, and had made all his arrangements to sail on the following Wednesday, when, to his infinite surprise, he had been served with short summonses, as they were called, in the Marine Court, which were returnable on the following Tuesday, one day before he was to sail. As several parties to whom he was indebted for these small sums were

acting together, he had found out that there was a conspiracy among them to get judgment on Tuesday and to seize his trunks as he was going on board the steamer, and so prevent his sailing altogether. They were probably the parties from whom he had got more or less of his outfit.

"Well," said I, "General Webb, what is your defense?" "I am sure I don't know," said he. "Have you had these goods?" "Yes." "Have you paid for them?" "No, I had no money." "Well, how came they to sue you in the Marine Court, of all places in the world?" "Well," said he, "it is just as I say, a conspiracy to prevent my sailing. You must put in a defense." I reflected and said: "Well, I will try, but I am not at all sure that it will succeed." "Do the best you can," said he. "Have you got your commission?" I asked. He took it out of his pocket, signed Abraham Lincoln, President; William H. Seward, Secretary of State, and with a big seal of the United States upon it which looked as big as a large platter, and which I thought would make a great impression in court, especially in the Marine Court, which was a small municipal tribunal of very limited jurisdiction. So I interposed the plea that by the Constitution of the United States the Federal Courts had exclusive jurisdiction of all suits affecting ambassadors, public ministers, and consuls, and on Tuesday, the return day, I appeared in court and interposed that plea. A very eminent lawyer of that day, many years my senior, appeared on the other

side, and proposed to pooh ! pooh ! me out of court. "Why," said he, "your Honor, Mr. Choate is endeavoring to impose upon you. The clause in the Constitution of the United States, to which he refers, giving the Federal Courts exclusive jurisdiction of all suits affecting ambassadors, public ministers, and consuls, refers only to *foreign* ambassadors, public ministers, and consuls." I insisted, on the other hand, that there was no such word as "foreign" in the Constitution, and that the clause in question included all ambassadors, public ministers, and consuls. "Will your Honor please send for the Constitution, and then, perhaps, we shall see who is trying to impose upon the court." So the Constitution was brought and read, and it turned out that I was right. The word "foreign" was not in it, and we argued it to and fro on the reason of the thing, and Judge Henry Alker, who held the court and was half Irishman and half Frenchman, and a brother-in-law of James T. Brady, to whom I have already referred, took the papers for consideration, and in the afternoon he rendered a decision in my favor, dismissing all the cases, and the general went on his watery way to Brazil unimpeded by judgments or executions. It was quite a professional triumph, and the best of it was that in due time I sent to the general a bill for my services, of which he never took any notice. But I have heard cases argued in the Supreme Court at Washington, constitutional cases, too, which had very much less merit in them than the one which I

then presented to the Marine Court with so much success. The Supreme Court of the State, however, to whom one of the creditors had resorted when the case came on there in the fall, laughed the defense out of court, and the creditors found ample means to recover judgments, which, probably, were not worth much more than the paper on which they were written.

I worked like a Trojan at the law. For nearly forty years (to be exact, for thirty-seven years), until I had the honor to be appointed ambassador to England in 1899, I labored steadily at the preparation, trial, and arguments of cases in the courts, with hardly a break from the first Monday of October round to the last Friday of June. In the course of that time I disposed of an enormous number of cases, steadily growing in importance and difficulty, and without any failure of health. This was a rare blessing, for almost every lawyer that I have known who has worked under the same pressure, and there were very few of them, suffered at least one breakdown, which disabled him for a time.

When I came to see how the English lawyers work and how they are relieved by frequent holidays, I wondered that we had ever maintained our arduous struggle through the year without breakdowns. There the courts come in in October and continue their sessions for eight or nine weeks until Christmas, when they have a two weeks' holiday, and every busy barrister drops his briefs and makes for the Conti-

nent or for the mountains, and has a real period for rest and recruiting; then they come in again and work for eight or nine weeks more, which brings them to the Easter recess, another real holiday of ten or twelve days with the same advantage; another eight or ten weeks of work and Whitsuntide arrives (a third intermediate holiday of which we know nothing and which we ought to borrow at once); and then a fourth term of eight or ten weeks of work, which brings them up to the 12th of August, when the law is off on grouse, and courts and barristers, kings, lords, and commons disappear for the long vacation of twelve weeks. No wonder that they hold out better than ourselves, and that nervous breakdowns are rarely heard of over there! But with us it is, in the case of busy barristers, a continuous and almost uninterrupted nervous strain for nine months of the year.

It would be hardly worth while to recall even the names of the cases in which I was constantly engaged in the earlier half of my professional life. The foundations were being laid for the subsequent superstructure of professional success. I had a great liking for jury trials, and it always seemed to me that the lawyer who is constantly engaged in that branch of legal practice leads a more intensely intellectual life than almost any other professional man.

## IX

### MARRIAGE

Having reached the point where I could not only support myself, but a family, I naturally thought of getting married, but had never met my fate in this respect, or encountered a woman who answered all my ideas. But one day my friend John H. Sherwood said to me: "I want to introduce you to a young lady who I am sure will exactly suit you, and, if I am not mistaken, you will suit her equally well." He must have been a wonderful judge of character to make so bold a prophecy, but he proved to be a real prophet. Not long afterwards, I think by his arrangement, I was invited to dine at the house of Mr. Thomas P. Rossiter, then a noted artist and very prominent in a social way among the artists of New York at that day, and there I met Miss Caroline Dutcher Sterling, the daughter of Frederick A. Sterling, of Cleveland, Ohio, and I very soon found that it was as Mr. Sherwood had said. But there was a serious difficulty in the way. She was living at the house of her cousin, Mrs. Rossiter, and had come to New York for the purpose of studying art, intending to devote herself to it as a profession for life, with great prospect of success. She was some five years my junior, and was as earnestly devoted

to art as I was to the law, so that we were both most unfortunately busy, and the worst of it was that she had made a vow of some sort never to think of anything but art. In fact, she wore a wedding-ring on which was inscribed the words "Wedded to art," and the date, some time before I knew her. However, I followed up our first acquaintance with great persistence, and found that the more I saw of her the better I liked her, and came to know that she had all the traits that I wanted, and that I must stake all my fortunes on that die. Still that plaguey wedding-ring stood in my way, but there is no rock so hard but that a little wave will beat admission in a thousand years, and after a while I found that she began to relent, and that my prospects were brightening every day, so I pressed on, and on the Fourth of July, 1861, the beleaguered fortress yielded,\* and I

\* The following self-explanatory verses, which were found among Mr. Choate's papers, are interesting, as they were written on the Fourth of July, 1861, to Mrs. John Jay, at Katonah, in Westchester County. The manuscript of the verses (a portion of which is reproduced in facsimile on a neighboring page) was discovered by Mrs. Jay among her papers and returned to the writer.

"MY DEAR MRS. JAY—

Words are weak to convey  
The chagrin and dismay  
Which it costs me to say,  
I must still disobey  
You: nor come, on the Fourth, to Katonah.

But that day of parade  
I have vowed to a maid  
Of whose wrath I'm afraid  
Lest my word, once betrayed,  
She may leave me for life to bemoan her.

She is youthful and fair,  
With the saintliest air,

celebrated that anniversary of our national independence by sacrificing my own independence for life. The old wedding-ring was put aside, and on the 16th of October, in that year, I put another ring upon her finger, which continues there to this day.

Upon the whole, it was the most fortunate day of my life, for although fifty-five years and more have fled, I think that neither of us have ever had occasion to regret it. In all that time we have had some very

And her sunny brown hair  
Decked with lilies so rare  
Descends on the rarest of shoulders.

And hard were the case,  
But the wonderful grace  
That's enthroned in her face  
Would win her a place  
In the hearts of the coldest beholders.

And then, such a mind!  
Why, I may be stone blind  
But if you can find  
One as pure and refined  
And as rightly inclined  
You must let it appear in the sequel.

And then, as for her soul,  
While our planet shall roll  
You may ransack the whole,  
From Equator to Pole  
But will never discover her equal.

She's so free from all taint  
That men call her a saint,  
And she may or she mayn't  
Lend an ear to my plaint,  
But my heart is not faint  
And my lips with all praises have blest her.

Now I trust you'll excuse  
This poor plea of my muse,  
Since I cannot but choose  
For this cause, to refuse  
What it grieves me to lose—  
A kind welcome once more to Westchester."

FACSIMILE OF MANUSCRIPT OF VERSES.

Written to Mrs. John Jay by Mr. Choate on the day of his engagement—July 4, 1861. The verses—printed, *in toto*, on pages 151 and 152—are interesting as showing his characteristic handwriting, which never faltered until the day of his death.



You may ransack the whole,  
From Equator to Pole  
But will never discover her equal.

She's so free from all faint  
That men call her a faint  
And she may or she mayn't  
Lend an ear to my plaint  
But my heart is not faint  
And my lips with all praises has fast  
her

Now I trust you'll excuse  
This poor plea of my muse  
Since I cannot but chose  
For this cause to refuse  
What it grieves me to lose  
A kind welcome once more to Westchester.



severe trials and afflictions, but for all that have had abundant and ever-increasing cause to be thankful. She is fully entitled to the better half of all our prosperity and success, and now, as the end of life approaches, we do, indeed, find ourselves blessed with all that should accompany old age, as honor, love, obedience, troops of friends.

For the first year of our married life we went to board with her aunt, Mrs. Carr, in a pleasant little house on Twenty-third Street, just east of Fourth Avenue. It was destroyed a few years ago, but the marks of it still remain on the side of the adjoining mansion of much greater pretensions against which it rested. In the spring of 1863 we ventured to go to housekeeping, and hired for six hundred dollars a year a modest house in West Twenty-first Street, No. 93, afterwards changed to No. 137, which we occupied for six or seven years until it would hold no more children than four, with whom we had already been blessed.

When we look around us in these days and see how children of our acquaintance are in the habit of commencing married life on the scale which their parents have already attained, we sometimes wonder how we ever had the courage to embark in it, but those were very simple days, and we were able by dint of a reasonable frugality to lay aside from year to year about half our income, which, being steadily continued, soon removed all danger of the wolf coming to our door.









